G. R. S. IX-5]

Previous references.

1879-80.

~~191~~ .

(Courts.)

File No. 3.

Serial Nos. 1-16

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-16

Part B for July 1880

SUBJECT.

Proposal for investing the village officials with powers of village Munsiffs &c.

Indexed:-

L. Sreenivasa Rao

W D 88—GPB—50,000—24-7-16

1

Bangalore
October 1879.

To The Secretary to the
Chief Commissioner
of Mysore
Revenue Department.

Sir

With reference to
Your No 3553-66/612 of the
10th instant, forwarding
a copy of the Selections
from the Records of the
Govt of India, and re-
questing my opinion
on the several points
noted in the Circular letter
of the Govt of India, pub-
lished at page 432 of the
volume, I have the honor
to state that the questions
on which my opinion is
asked, are, whether it would
be expedient to invest
the Courts of Amildars
Grades, with the Powers
Jurisdiction, and whether
when they possess it, that
should be extended.

2. I am of opinion

that our present Rules whereby
the Local Government
is empowered to vest
all Subordinate Judges
and Munsiffs with Juris
diction to hear cases of a
small cause nature up
to a limit of Rs 500 and
50 respectively are quite
sufficient - So far as
3. I think, at present
the number of our Courts
so as to bring them nearer
to the homes of the people
is desirable, but I am no
advocate for increasing
the Summary powers of
decision, without appeal,
which can now be conferred
on Subordinate Judges and Moonsiffs

existing Courts is
considered.

4. The business in
our Courts is not so large
as to prevent our Judges
from investigating care-
fully the Civil Causes that
are brought before them
and I see no useful end
to be gained by increasing the
Summary Jurisdiction of the Regular Courts.

Chanda

5. But I am willing to
[illegible] Court if it [illegible]

[illegible] to decide to which the heads
of villages with jurisdiction to decide
petty cases of a very similar nature - as
is done in the neighbouring Presidency
of Madras. The subject seems to
me to be very great importance, and
requires much for its thorough
further knowledge of the circumstances
of the Province. Should you wish
[illegible] I will gladly furnish them:
and I am not prepared to give
an opinion either way on the case
as required in the Proceedings.

6. I will however write to
Chief Secy approving generally the
District and Subordinate Judges in the scheme,
and make them the result of
the enclosed, stating with
[illegible] recommendations.

7 I am not in a position to give
this very much thought
as to the [illegible] of
introducing a uniform law
throughout into the Provinces.

I have &c

Madras
25/10/1860

Sd/21/10

[illegible]

No 2765
ai: 75

Chingleput 5th
4th November
October 1809

To the District Judge
Moonsiff Cobbu[illegible]
and Magistrate.

Sir

I have the honour
to request that you will
be so good as to furnish
me with your opinion
as to the practicability
of proceeding any pollegar
offender both the powers
of village Moonsiffs
as exercised in Madras
and those Jurisdiction
and powers as
Regulation IV & V of 1816

2. I should be glad
you will consider the Subordinate Judges
and Moonsiffs
the rendering advantageous
Pleaders
as well as
any Native Gentleman
who is in a position to give
an opinion
and to have the advantage
of the Judges deliberate
opinion on the

and advantages

and procedures

1. It is possible that

Ltrs
379

Sundry Division

District and Sessions Court

Vol 1983 Encl: 1
291

Nagapatam 19 November
1879.

To

The Judicial Commissioner

of Singapore

Sir,

I have the honor to
submit for your information
copy of a Memorandum
which I have forwarded
to the Revenue Secretary, in
reply to Judicial Commissioner's
Proceedings No. 3553-66 dated
4. 6. 12
10th Instant.

I have the honor to be
Sir,
Your most obedient servant

C. Thumboo Chetty
District & Sessions Judge

814

Memo — Ex ed. 1, 16

The first point on which the Government of India in their letter, Nos. 6-265 to 274 dated 6th March 1879, ask for opinion is, as to the expediency or otherwise of investing the Courts of various grades with a summary jurisdiction, and, when they possess such a jurisdiction, as to whether it should be extended, and if so within what limits and subject to what restrictions as to the subject matter of the suits.

2. In Mysore the Moonsiffs, in some of the principal stations, exercise Small Cause Jurisdiction up to Rs. 20 and the Subordinate Judges of districts have been

been vested with Small Cause
Jurisdiction up to a limit of
Rs 500 within the local limits
of the Municipality forming
their Head Quarters. In Bangalore,
as there is a separate Court of
Small Causes, the Subordinate
Judge exercises no Small Cause
Jurisdiction within the Town and
Cantonment of Bangalore, but he
has been temporarily vested with
such jurisdiction over the
Bangalore Taluk, excepting
the Town and Cantonment, up
to a limit of Rs 100, and it is in
contemplation to raise this
pecuniary limit to Rs 500. The
Moonsiff of Bangalore exercises
no Small Cause jurisdiction.

3. I think that, if the Courts
of Moonsiff and Subordinate Judge
be

be located in one place, the
Sub-divisional Judge should, in
preference to the Moonsiffs, be
vested with small cause jurisdic-
tion. The distance which parties
and witnesses would have to
travel would be the same whereas
the parties will have the advantage
of having their suits decided by
a superior and more experienced
officer, assisted by a higher class
of pleaders or advocates. Under
no system of law can professional
advice and assistance be
altogether dispensed with, and
such advice and assistance
are more valuable in cases
which are summarily decided
and are unappealable than in
appealable cases. In the former
are

case, the miscarriage of justice, which not unfrequently takes place, is irremediable while, in the latter case, even though a suit may be wrongly decided owing to want of proper profes= sional advice and assistance, the decision may be set right in appeal or second appeal. I think, therefore, that all small causes should, wherever practi= cable, be tried only by the Superior Courts so as to admit of the parties availing themselves of the services of the higher class of pleaders or advocates, who are the more respectable not only in point of circumstances but also in point of character. None but men of competent knowledge in the law and of respectable

respectable character should be

admitted as Advocates or Pleaders.

Nothing leads more to promote

litigation and its consequent

misery than a herd of unprinci-

pled and starving lawyers. Our

Advocates and 1st class Pleaders

are men of sufficient ability

and faithfulness, but I am

afraid that among the 2nd

class pleaders, the number of

whom is gradually and steadily

increasing, there are many

who were formerly Mukhtiars or

Agents, the pannauds of the

old Vakeels who were considered

a disgrace and scourge to the

Country. I would certainly avoid

the interference of the lower part

of the profession in cases which

law

have to be summarily decided
and are consequently not ap=
pealable.

4. It may be said that the
administration of justice should
be cheap and speedy, but I am
afraid that if law be rendered
very cheap it will be inefficient
and corrupt; so that, even in
suits of the nature of small
causes, if miscarriage of justice
is to be avoided the suitors cannot
avoid incurring the charges ne=
cessary to ensure proper trial
and proper disposal of the cases.
The sum in dispute may be small,
but the difficulty of adjudicating
properly with regard to a small
sum, and so as to prevent fur=
ther litigation and expense to
the parties, may be as great as
with

with regard to a large one. A claim for Rs. 100 may be beset with as many difficulties, both as to law and fact, as a claim for Rupees 10,000, and it is unreasonable to assign the difficult and complicated case to the inferior Judge merely because it involves only a small sum. In my own experience I think there has been a greater miscarriage of justice in the exercise by the Courts of their summary jurisdiction than in the disposal of regular appealable cases; and in the former case, the miscarriage of justice, as I have already remarked, was quite irremediable as no appeal was allowed by law in such cases.

S. In

5. In places like Bangalore, Mysore and Shemoga, where the Courts of the Subordinate and District Judges are located together, it would be a great improvement on the existing system, an improvement leading to secure better administration of justice, if the District and Subordinate Judges form themselves into a Bench for the disposal of small causes. One or two days in the week, if set apart, would suffice for the purpose and the pecuniary limit may be fixed at 500 Rs. or even raised to 1,000 Rs. and the territorial jurisdiction comprise the Head Quarter Moonsiffs' Sub Division, with option to the parties residing in the other Sub Divisions of the District, to file suits of the nature of

of Small Causes in the Subordinate Judge's Court to be tried by the District and Subordinate Judges. Here again the District Judge may at times sit with the Judge of the Court of Small Causes to try any important cases and also to hear applications for new trials. It is, indeed, important and more especially so in a Tribunal whose decisions are final, that the cases should receive due consideration and, wherever practicable, be heard and disposed of by 2 or more Judges sitting together. No extra expense will be incurred on the State by this arrangement, while the Courts for adjudication of Small Causes presided over by 2 Judges will be more popular and more freely

freely resorted to than at present.
The regular and appellate work
of the Courts will also be greatly
lessened especially in the 3
principal and Religious Dis-
tricts of the Province.

6. With regard to Moonsiffs who
are not stationed at the Head
Quarters of Districts, the increase
ture of Small Cause Jurisdiction
up to a certain limit is necessary,
otherwise there will be appeals
in many petty cases and parties
subjected to unnecessary vexation
and expence. The Moonsiffs,
whose Courts are located at
Stations other than District
Head Quarters, may, I think,
be vested with Small Cause
Jurisdiction up to Rs. 50, as is
the case in Madras, vide act IV/63.

7. As

7. As regards the nature of the suits cognizable by Courts of Small Causes I think no modification of section 6, act XI /1865/ which is quoted in the margin for ready reference/ is necessary.

8. I am afraid that Patails or Village Municipals in Mysore, as a class, are not intelligent enough to be entrusted with the power to try civil suits up to Rs 10 or to act as Presidents of Village Panchayats

---

6. The following are the suits which shall be cognizable by Courts of Small Causes, namely, claims for money due on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of five hundred rupees, whether on balance of account or otherwise: provided that no action shall lie in any such Court.

Suits cognizable by Small Cause Courts.

Proviso.

I. On a balance of partnership account, unless the balance shall have been struck by the parties or their Agents:

II. For a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will:

III. For the recovery of damages on account of an alleged personal injury, unless actual pecuniary damage shall have resulted from the injury:

IV. For any claim for the rent of land or

Punchayets subject to the limitations and restrictions specified in Madras Regulations IV, V and VII of 1816.

or other claim for which a suit may now be brought before a Revenue officer, unless, as regards arrears of rent for which such suits may be brought, the Judge of the Court of Small Causes shall have been expressly invested by the Local Government with jurisdiction over claims to such arrears.

With the education now progressing a better state of moral feeling may, in time, prevail among Headmen of our villages. Perhaps, for the present, it would be well to try the experiment in the case of a selected few who may be reported upon by the Deputy Commissioners as competent and worthy of being vested with civil powers such as are now exercised by Village Moonsiffs in the Madras Presidency.

9. I believe I am not required to give my opinion on the question of

of adapting the assessment of

the land revenue to the variations

in the season, as this is purely

a revenue question which will

be better dealt with by Deputy

Commissioners of Districts -

18th Nov 79. (Signed) J. R. A. Mumbooe Chetty

District Sessions Judge.

"Copy"

A. R. Mumbooe Chetty

Distt. Sessions Judge

No. 324

21 Dec 3-79

Received & Referred Dept Court
Proceedings &c
Dated 2nd Dec 1879

The Resident Commissioner
of Mysore

Have the honor to acknowledge
the receipt of your letter No. 2765 dated 4th Nov 79
Item Sub Judge Mysore No. 868 of 24-12-79 calling on the 6 Amildars in Division
Do Munsiff Hunsur No. 1491 of 12-12-79 to furnish a practicable scheme of
1631 of 20-12-79 working village officers with the lowest
Do Do Nanjangud No. 968 20-12-79 of village Munsiffs exercised in Mysore.
Do Do Nanjangud
2428 of 24-12-79
Do Hassan Munsiff
112 of 3-12-79 I have referred the Sub Judges & Munsiffs Report
Do Narasipur Do of the Trading Classes
112 of 12-12-79 to the Division & Sub Division officers in the
Do Sub Judge Hassan Districts, & have to return herewith
No. 853 of 1-12-79 the Reports noted in the margin.
Do 2nd Asst Comm Nagamangala
No. 1208 of 24-11-79 I have to request that the Returns
Do P. Division Rd Supt called for in the 3rd paragraph of
of 26-11-79 your letter under reply may be
furnished immediately.

It is difficult to give an opinion on the subject without full investigation of the working of the system in the Province of Lower Canada, & whether it has answered the purposes for which it was introduced as stated in the preamble to Regulation V of 1816, namely by lessening the heaviness of the Zemindaree powers, thereby giving the ryots greater security in the possession of their lands, & promoting the speedy adjustment of disputes relative to the boundaries of their lands, by affording them the benefit of decision from their Equals.

Our Commissioners are of opinion that many of the provisions in the Regulation cannot now be of Authority by Village Munsiffs Courts, & that the Commissioners for settling the Judicial System in 1816 had advocated the introduction of Village Munsiffs Courts,

wrote in 1827 (minute on the resolution of Gilli's court 3 January 1827) as follows:-

"It is remarked by the honorable Court that the Village Panchayats established in January last seem hardly thereof and are received with much less confidence favour and are entitled to less importance, which too many of them are unable to exert, that the power of prosecution in the Gilli Courts was one useful check upon them and that the late reduction of Courts will increase their check. This opinion is not supported by my experience here as yet had. The Village Panchayats are to gain power increasing their powers, that every year of their existence all those Heads of Villages become more and more to the Gilli Court in the year that most of them would exercising the authority intended to them. Not unwillingness, pecuniary forbearance at the time the Regulation

Expectation was formed, but not to the extent it has since been found to exist. Could they have explained to Parliament the Courts of Requests were responsible to the first instance only, to them exclusively, they would be Courts, & have developed the duties of the petty jurisdiction assigned to them. But the views of the Court at present, that only a small proportion of the more intelligent tenantry to avail themselves of the abolition of the Courts have not made them more confident and of which yet be a source of time before they acquire confidence sufficient to enable them to become so useful to them, as originally intended them, or they ought to be."

These then the first Courts have recently reopened, but from unable to say whether the Village Courts are more or less regarded to in comparison with other

of the Courts to which they were at that time
the Members of which respectively the Village
Panchayats in the Madras Presidency
were in charge in the aggregate bear little
Resemblance with the total number
of heads of villages, as shown in the
Census Returns. The
Administration Report of the Madras
Presidency for 1874, Appendix E to
Chapter III gives the Number of Village
Tribunals &c. Heads of Villages Exercising
Civil & Criminal Jurisdiction as 44822
of which 30629 actually Exercised Civil
& Criminal jurisdiction, but out of these
large Number only 2116 Exercised Civil
jurisdiction deciding 49454 Cases or 23
Each.

I am informed that all Heads
of Villages in Madras Exercise Criminal
Jurisdiction, but that only Specially
Selected Men are invested with Civil
Powers, and often in the Case, it is

K&L

but the cause appears to have been that so small a proportion have been found qualified, especially those in Madras a much larger proportion of Brahmins and educated men are to be found filling the offices of Tahsildar than in Mysore, where Tahsildars were confiscated by Tippoo & where the Cutcherry attempts to raise them to Gentlemen & Station.

Certain measures to attain the ends contemplated by the Madras Regulations, but appear that in Mysore the selection of qualified Heads of Villages would for some time be very limited.

If the experiment were tried, the procedure of Regulation IV should be remodelled & execution would probably be referred to the Munsiffs Courts. A careful & gradual selection should be made of villages for

Talukas in which the enactment of Police Tauji imposed, & Village Munsiffs appointed for groups, rather than for single villages; the best qualified Patel & Shanbogue being nominated with a small monthly payment for these special duties, a modification of the original system which, if carefully enforced, it was hoped would be found advisable to adopt in Mysore.

In making an approximate estimate of the number of suits which would fall to be disposed of by Village Munsiffs, the Head Quarter Station of District Munsiffs should certainly be excluded as there would be no necessity for the appointment of Village Munsiffs at those localities and, indeed these last would scarcely be needed in the Talukas in which Munsiffs are located, Village tribunals being established only beyond a certain radius from the District Munsiffs' Courts which would

VI

Reduce the No. of Village Munsiffs very considerably.

The accompanying Return shews that the total number of suits under 10 Rupees instituted in the Munsiffs Courts from 1875 to 1879 inclusive was 2102, of which 1083 originated or were tried at Head Quarters & 1019 in the Talooks.

Further examination, as exhibited in the next Return, shews that 861 suits were disposed of at Munsiffs Head Quarters & 222 at the Mofussil Talook Kutcheries.

Munsiffs Head Quarters.

Munsiffs	1875	1876	1877	1878	1879	Total
Mysore	139	152	166	59	125	641
Nanjengode	13	10	6	19	15	63
Hunsur	4	4	10	"	1	19
Periapatna	13	15	5	18	7	58
Kasaba	12	25	4	3	12	56
Narsipur	14	7	4	"	3	24
Total	195	213	191	99	163	861

3

29

CENSUS

The total number of the villages of Mysore, other than Chennapatna and Seringapatna, working with the Talukh Cutcherry other than those which are included 1241

The Annual Average obtained from 5 years would be —

Villages (New) added — 172.2
Remaining Talukh Cutcherry — 44.4
Outlying villages. 203.8

Note. The number of Talukhs fixed in Mysore differs so considerably that Mysore must be excluded & the Annual Average of the remaining 5 Villages (New) Talukhs would be 44, approaching very nearly that of the Talukh Cutcherry.

The Census gives the number of Villages in the Division as follows —

Mysore District — 2195.
Kasaba — do — 3190.

Total 5385.

By District the number of Villages are

Talukh

30

Such Cases other than Manslaughter,
Sheriffs are bound, would be -

	Cases in Cities	Cases in Villages
Keystone Dist	102.	484.
Cape Ann Dist	120.	535.
Total	222	1019.

The Number of Cases before the Justices of the Courts in Cities & Villages in the Division, excluding the Sheriffs & Head Quarters, being 1241 & the Number of Cases, Towns & Villages 1576. there would be only one Case to every 4 Villages shewing that the appointment of a Sheriff to each Village, would be unnecessary.

I have the honour to be,

Sir

Your most obedient Servant.

Richd

Richd Stockton Jnr

A. Gen

30

. In the Counties other than Mayo Sligo
Roscommon & Leitrim, would be -

	Sents in Counties	Sents in Villages
Mayo West	102.	484.
East & West	120.	535.
Total	222	1019.

The Number of Sents below 1/10
Assessed off the Counties & Villages in the
Division, excluding the Number of Sents
Counties being 1241 & the Number of
Sents, Towns & Villages 1359. There would
be only one Sent to every 4 Villages
Shewing that the appointment of a
Resident to each Village, would be
unnecessary.

I have the honour to be
Sir
Your most obedient Servant
Richd Jebb
Resident Judge
A. Day

J.B.

Precis of the opinion by Recommendation
Mr. Ss.
by the Evangelically Elected Gentlemen
who is the Ecclesiastical Authority and
Overseer of Mussulmy Village
Officials for the Jemmes Village
Municipality.

Mr. Krishna
Row Gode
Dy. Commr. Tinnevelly
Madura &c.

The system is calculated to
ensure the position of Patels
and to save the people from
trouble and harassment re-
-garding small debts. But there
are few intelligent Patels in
this Province who could be
entrusted with this important
duty. Besides the pressure of
work on the Patel is very
great on account of the multi-
-farious duties he has to perform.

I do not think he would however recommend
Municipality that at the beginning the Grade by
Patels should which the Patels of Knobas
be selected since only the Patels where only Choultries and Peons
Municipality are stationed so as to enable
can confine the Patel to seek their advice
selection to and if the system works satis-
all the Grade factorily to extend it to other
Patels there. places.

Mr. Grimwood
Collector Tilly
& Asst. Commissioner
in charge Treasury.

States that it is too early
to introduce the system in this

parts of the country as no competent persons can be found in the villages capable of exercising such powers.

We think that the system will be attended with considerable advantage as it will save the people from heavy costs on account of petty suits, but the execution of it must rest with the District Commissioners. Patels as a rule are illiterate and consequently wherever they are found not competent to exercise the powers, there is no intelligent land holders may be appointed to the village Commissioners.

For the purpose of securing efficiency a group of villages might be placed under an efficient man, and he must be required to determine suits with the aid of at least two assessors.

We are of opinion that patels and shanbhogues in Bombay instances exercise would be justifiable authority and to give them any further power would only tend to strengthen their coercive jurisdiction. The object of the regulation is to eliminate the

Mr. Thornton, Collector, Subordinate Judge, Assistant Judge

concur in the suggestion regarding execution

consider that any private individual should be appointed Commissioner.

Villages must be grouped in Bombay Code

I doubt the advantage of having assessors

Commissioners impossible

These appointments are not well

incurred in cases of the cost of litigation, and to keep
such criminal All the expense as much as possible
Powers once Parties might at their homes. But in the Mysore
Parliament be done that regard to them the Munsiffs Courts are all
in Civil Matters easily accessible, and it is
should be optional. If better for the appellant to receive
Ex Parte address Power Authority his Petition at the Kandy of the
will not to Assign that Munsiff than for an appeal
to the Assm. Judge. to the Assm. Court.

Mr Narahari Row Sub. Judge Mysore. States that the Power generally prevailing among Patels and Shanbogues the only class of men from whom Village Munsiffs could be selected, renders it inadvisable that Village Assm. Munsiffs should be created. If however the Extension of the System is deemed necessary no Modifications need be made in the Madras Regulations IV of 1816.

The Munsiffs of Mandya Hassan & Nandydroog are all generally in favour of the Village Munsiffs' system being introduced into this Province.

The Munsiffs of Mandya Observes that should it be considered unsafe to let the system all at once prevail throughout the Province, it may be experimentally be tried in a

* I think the whole procedure would be more Regular more or less

gen. settled districts namely the head quarters of Kabete & Thobia where the proceedings of the Kabete are likely to be watched by the Public and Government

2. It is the opinion that in order to secure efficiency in the staff of Kabete Court a Preliminary Examination should be introduced, and that appeals against their decisions should lie either to District Munumuff Native Munumuff or such Judge.

3. Suggests that at the commencement of introducing the system 2 or 3 special selections should be made from each tribe as the classes in which Kabete belong are ignorant and that 5 Rs or any thing equivalent to it be fixed as the Salary of a village Munumuff. Also that appeals should be made to lie against their decisions.

4. It is the opinion that Kabete are so illiterate and ignorant that it is not advisable to connect them with the Courts of village Munumuffs and to obviate the difficulty of compelling people to attend long distant Courts Magistrates on account of petty cases, he recommends the Courts should be held from time to time.

Court system of Manitoba which
is now under consideration.

Respectfully

District Judge of
Selkirk

Statement shewing the number of Civil Suits
Several Courts in the Ashtagram Division from

Name of Taluq	Number of Cases instituted and							
	1874		1875		1876		1877	
	Head Quarters	Taluq	Head Quarters	Taluq	Head Quarters	Taluq	Head Quarters	Taluq
Mysore	in	"	139	3	152	4	166	1
Ashtagram	"	"	13	3	9	10	1	1
Nanjengud	"	"	13	16	10	10	6	1
Talkad	"	"	1	13	1	29	"	3
Chamrajnagar	"	"	3	5	11	25	1	
Gundelpet	"	"	2	2	"	8	"	2
Yellandoor	"	"	7	2	1	2	"	1
Hoonsur	"	"	4	5	4	5	10	1
Yedatore	"	"	"	10	"	17	"	3
Heggadawenkote	"	"	1	8	"	6	"	
Mandaya	"	"	13	20	15	17	5	
Malvelly	"	"	5	2	11	10	1	4
Attikuppa	"	"	4	27	3	29	4	2
Nagamangala	"	"	1	4	"	51	"	1
Hassan	"	"	12	18	25	39	4	
Manjerabad	"	"	2	4	3	2	1	
Belur	"	"	23	2	11	3	2	
Harnhalli	"	"	1	"	1	1	"	
Maharajendroog	"	"	8	4	7	5	"	
Chennarayapatam	"	"	7	93	6	1	"	
Narsipur	"	"	14	5	7	14	"	
Arkulgud	"	"	"	88	2	8	4	
	11	-	298	334	279	296	201	6

Rs 10 and under disposed of by the year 1874 to 1879.

disposed of.				Total	Remarks
1878		1879			
1st half	Yearly	1st & 2nd ½	Yearly		
59	3	125	"	652	
3	7	4	8	59	
19	17	15	22	139	
"	20	"	19	86	
2	5	7	7	67	
5	19	"	5	43	
"	3	1	1	18	
9	4	1	11	64	
3	"	1	2	38	
"	20	"	4	45	
18	11	7	8	116	
5	3	4	5	50	
2	8	"	52	136	
"	6	"	22	85	
3	1	12	3	118	
5	1	1	"	19	
8	4	3	1	68	
"	"	"	"	3	
"	2	"	2	31	
"	"	"	"	107	
"	"	3	11	54	
"	2	"	2	104	
141	136	184	185	2102	

Railway

District Judge
Ashtapram Dt

Encls to 8:14
86

No. 120.

2nd Asst. Commissioner's Office
Mysore District

To

The District Judge
Nokkagram Division

Dated Mysore 24th November 1879.

Sir,

I must in the file

In acknowledging the receipt of your Communication No. 36, dated 17th Instant, with its enclosure on the subject of investing any village Officials with the powers of Village Munsiffs, I have the honor to submit that, in my opinion it seems too early to introduce the system in this part of the Country as no competent persons can be found in the villages just yet capable of exercising such powers.

Copy of Judicial Commissioner's No. 2765/75 dated 4th Novr 1879.

I have the honor to be,
Sir,
Your most Obedt Servant.
S. C. Shanmugam
2nd Asst Commissioner

Reg No. 208
27-11-79

Mysore 26th November 1879

To

The District Judge of Ashtagram

Sir

I have the honour to acknowledge the receipt of your Docket No 35 of the 7th Instant inviting my opinion on the practicability & advantage of creating Village Panchayats with the powers laid down in Regulations XV & XV of the Madras Presidency

2 In reply I beg to submit that the measure is calculated on the one hand to promote the protection of the Ryots of Villages, & on the other to save the population from expense & trouble in the recovery of small debts - Both the objects are good in themselves, and a great advantage will have been gained if they are attained

3. There are however few Ryots in Mysore who can read & write & even such will be found the necessary amount of intelligence to carry out such measures properly. The Regulations above referred to seem to have contemplated this difficulty, and to have provided against it by

simplify & speed the Procedure, by permitting
the Patels to affix their "marks" as well as
signatures, and by assigning to the "Karnams"
& Shanbogues an important part of the
work

The next point to be looked to is the
amount of pressure of other work on the
Patels, & this it must be admitted is great
as a rule - In the Revenue branch, they have
to collect, keep, & convey the Revenue, attend
at the inspection of fields and at the Settlement,
collect Sayer duties, hospitality & Inamdars &
superintend the Conservancy &c. - In
the Police branch they are bound to
lives & properties of the Villagers, investigate
summary enquiries into Report Crimes,
assist the Regular Police, impound, keep
& account & dispose of Stray Cattle, &c.
Their help is called for even in Carrying out
Civil Processes, not to mention the demands
made upon their time and attention
by the Survey, Public works & Forest Departments &c.
In fact the Patel is a factotum with
little or no remuneration - The Shanbogue
too has his hands full of the Survey forms
& collection accounts, & inspection duties &

Attend at the Commencement of the Journey
& Collect the Revenue &c.

5. A Thorough reform of the Village System, which is the basis of the Administration Cannot however be looked for very early, but in the mean time no opportunity should, in my humble opinion, be neglected of exercising the functions of the Office of Police & of proceeding the people to look to the settlement of their differences in a summary

6. I would therefore beg to recommend that a beginning be made by selecting certain Districts where Inconsiderable or both are Situated, & entrusting the Police of those places with the powers. The Police should be directed to seek aid the Superior Officers to give any help that may be required in carrying out the new duties, & the Police empowered to avail himself of the services of either the Shanbogue or any other intelligent person in writing according to the Commencement of the former - A second Police Cos might be appointed from among the members of the same family if necessary, as was done in some places where the Police was organized - When the system works satisfactorily

of guiet Steam, and the public of its advantages in letting their claims, it may gradually be introduced with other plans -

7. The scheme might be objected to on the ground that the plans selected for experiment being the least of a regular Court the Lessee is no great gainer, in resorting to the Patent - but though he may not profit in the matter of distance, he will be saved the Cost, which a poor man would value more -

8. The preference has been given to Lessees not only on account of the facilities for the initiation of the Patents into the work, both for the general intelligence of the Patents themselves acquired by frequent intercourse with superior Officers, & the Companies in community which the pressure of other Public Servants allows them from some of the harassing details of their other duties -

I have the honor to be
Sir
Your most obedient Servant
P Fairbairn

No 83.

Subordinate Judge's Office
Hapsan

To,

The District Judge,
Ashtagram Dt.

Dated 1st December 1879.-

Sir,

With reference to your Circ. Dy No 36 of 17th Ult.
I have the honor to state that the investiture of
Village Heads with powers to try money suits
ranging within 5 Rs in value will be attended with
considerable advantage - Such suits are rarely
brought before the Munsiffs Court, because of
the heavy cost such a step would necessarily
involve - The generality of such small suits
are settled in Village Punchayets, or, so given up
as irrecoverable on account of the cost, labor and
inconvenience attending their prosecution in Courts
located in distant localities - I would not arm the
village Heads with the power of carrying executi-
on by coercive processes - Such power must
rest with the Munsiffs - Rules founded on the
system obtaining in the Madras Presidency might
be framed.-

2. In the next place, it will be necessary to
consider the intelligence and capabilities of the
men who fill the office of Village Heads - In a number
they are almost illiterate - Their standard of educa-
tion is much below that of their confreres in the
Madras Presidency - Here and there intelligent
men are to be found and such may be invested
upon the report of District Officers who much

satisfy themselves as to their fitness. I would not confine the area of selection to the holders of Patailies, but would extend it to all large land-holders and men of local respectability and status. For the purpose of securing efficiency a group of villages, when they are small may be placed under an efficient head. To prevent any abuse of authority the official must be required to determine suits with the aid of at least 2 assessors to be selected from among village landholders.

I have the honor to be,
Sir,
Your most Obed't Servant

E. W. Hammond
Subordinate Judge
Kaipara

Enclosure 4

Kannan Sub Division Munsiffs
Court dated 3rd December 1879.

To

The District Judge
Ashtagram Division

Sir,

In reply to your docket No. 36, dated 17th Ultimo, desiring me to furnish you with my opinion as to the practicability and advantage of investing any village officials with the powers of Village Munsiffs, I have the honor to submit the following report, after consulting all the well informed and leading pleaders of my Court, as also the Amildar and others whose intimate knowledge of this part of the country and experience entitle their views to great weight and respect.

2. All are unanimous in thinking that the creation of a body of Village Munsiffs for the trial of petty suits will be hailed as a great public boon, inasmuch as the system has for its object a speedy and by far the most satisfactory adjustment of such suits without entailing

entailing needless expense on the parties and with-
out also subjecting them to the inconvenience (attending)
long absence from their homes. Further, the institution
in every way deserves encouragement, as under Madras
Regulation V of 1816, the Village Munsiffs will be
authorized to assemble Punchayets even for the
adjudication of important suits, thus affording
the principal, respectable, intelligent and com-
petent inhabitants, who now stand on neutral
ground, every opportunity of rendering useful services
to the community by administering justice to their
neighbours

3. As to the class of persons on whom the selection
should fall, there cannot, I presume, be any diversity
of opinion. The Potails who are the chiefmen
in Villages and under whose authority the Village
Servants, nay the whole villagers, act, are the best
men that could be selected. They commonly reside
in the Villages of which they are constituted Potails,
they are fully conversant with the usages, habits and
worth of the resident inhabitants. This special
qualification in them renders them the best Judges
of facts and peculiarly befits them for the position
of Village Munsiffs.

4. The individual selections must, however, be
made with the utmost possible care. In short,
too much attention can never be bestowed in dis-
charging this very responsible duty. It is a well
known fact that our Malnaud Gowdas do not seek
a "living to fill the posts of Village Munsiffs
with

with credit, but their colleagues elsewhere (at least in this District with a few honorable exceptions) appear to fall much below the par. It is therefore highly desirable that in order to prevent anomaly of practice and miscarriage of justice, resulting from their ignorance of procedure, that the Candidates should be required to pass a sort of preliminary examination. Besides being able to read and write with some facility the vernacular of the country, they should thoroughly understand the rules and regulations laid down for their own guidance or else, I apprehend, not without reason I submit, that a good many suits will be disposed of by illiterate and ignorant Potails on the supposition that they have jurisdiction in matters where they really have none.

5. It may be argued that the village Munsiffs who are only expected to make use of their local knowledge and ordinary common sense in deciding suits brought before them, need not necessarily know how to read & write. I fully admit the force of the remark. Madras Regulation 29 of 1816, too, apparently tolerates the desideratum as by section 2, it is enacted that "Heads of Villages shall by virtue of their office be Munsiffs within their respective villages". This clearly implies that no other qualification is necessary. Personally

Personally, I am not much acquainted with the practice obtaining in the Madras Presidency, but from the little that I do know and from what I have been informed, I have every reason to believe that the Potails there, are in the vast majority of cases decently educated men: At any rate I am perfectly sure that there are not so many there, as in this Province, who by their ignorance of the alphabet would be compelled to affix their plough or other marks to their judgments.

6. It must also be borne in mind that Curnums (Shanbhogues) who are by the Madras Regulations IV and V of 1816 intended to be a sort of factotum to Potails, cannot render effectual assistance to them in this Province, because, as a rule each Shanbhogue here has scores of villages attached to him, while each village has a separate Potail. The regulations, I know, permit the Curnums to assist the Potails by their advice, and although the latter or not fettered by such opinions, yet, I, for one, would like to see the Village Munsiffs placed in an independent position and altogether out of the reach of Shanbhogues baneful influence, from which it is not so easy to get out.

7. The Village Munsiff, no matter by what name he is called, is a Judge. He has to read and understand the plaint and exhibits placed

placed before him and to do even justice to parties. What justice could he be expected to do, and what respect could his position command, if he cannot even sign his judgments, and if he has for everything to depend upon Shaubhogues! Virtually, the Shaubhogues will be the Village Munsiffs, and the Potails merely tools in their hands. For these reasons I hold that a preliminary examination to test the qualifications of the would-be-village-Munsiff is absolutely necessary.

8. With one more remark I will conclude. The best of selections will not rid the system of that great drawback, namely, the risks to which justice will every now and then be exposed by the caprice and shortcomings of individual judges. It would be well to provide against this, by not imparting finality to the decisions of the Village Munsiffs at least when the scheme is tentatively introduced. An appeal from their decisions may be made to lie either to the District Munsiffs or to the Subordinate Judges.

9. The Regulations, I am aware, permit

permit a sort of reference or complaint being made by the dissatisfied party to the Zilla judge, (District Jude) to whom the power of annulling the Village Munsiffs decision is given but the course appears to me to be too cumbersome to parties and I may also venture to state that the District Judges who have more important concerns may not find time to attend to the numerous references regarding petty suits pouring in from every nook and corner.

I have the honor to be
Sir,
Your most obedient Servant.

C. Munsiff

Munsiff

Date 19 Sept

To
The Assistant Collector of
Tanjore Hill Division
&
The District Judge
Kumbaconum Division

Dated 8th Sept 2-79
Despatched 8th Sept
Enclosure. Nil
No. 112

Solicits his opinion
on the question of jurisdiction
into this Province. The
release of Village Munsiffs

No. 122

Munsiffi le[illegible]
Narasipur sub Division
12th December 1879

Encl Nil 4

To

The District Judge
Achtagram Division

Sir,

In reply to your circular No. 36 of the 17th ultimo forwarding, for my opinion, Copy of the Judicial Commissioners circular No. 2765/75 dated 4th idem, on the subject of introducing the village Munsiff system into this Provinces, I have the honor to submit that doubtless the scheme is a good one, and would save the publics, especially the poorer Classes, much trouble and expense, but the question as to which of the village officials are to be invested with the powers of a village Munsiff is one which appears to be difficult to solve, because, the duties of a village Munsiff, as laid down in Madras Regulations IV and

V of 1816, are onerous and require men of respectable character and average intelligence at least to perform them. The only superior village officials in this Province are the Shanbogues and Patels. No doubt the majority of the former class of officials are smart and able enough to do the work; but their time cannot well be spared for it without detriment to their legitimate duties in the Revenue branch of the Administration. Further the Shanbogues are, as a rule, men who are ever ready to dupe the poor ignorant ryots even within the limited power they have at present in the writing up of accounts and therefore to appoint them will not, I think, contribute towards the realization of the object in

introducing the village Munsiff's scheme into Mysore. Besides, generally, each village has not got a Shanbhague of its own, there being only one official of this class to a Firka consisting of a group of villages.

2. None as to the village patels, they are as a class ignorant and hence are not of that stamp of men necessarily required for the office in question. I know of instances in which ryots calling themselves patels have displayed utter ignorance in defending their own interests and Causes in Court; and from my experience in the Revenue department also, I can without hesitation say that most of them are illiterate, and if appointed as village Munsiffs will have to depend entirely upon the Shanbhagues, or in their absence upon some one or other of the more intelligent

inhabitants of the village, for
shanbogues from the nature
of their duties cannot be ex-
-pected to be of constant
service as cummums are to the
Madras village Munsiffs,
and thus Patels will be nothing
more, or less than tools in their
hands. I might however add
that the ryots with the march
of Civilization and intellectual
improvement are gradually
becoming more enlightened
and alive to their rights es-
-pecially since Munsiffs Courts
have been established and
the pleaders and advocate
system brought into force,
and it would not therefore
perhaps be premature to say
that in the course of a few
years much more intelligence
and self respect may be an-
-ticipated from them. In the
meantime the best course that
suggests itself to me is to select,
as a preliminary measure,

two or three of the most intelli-
-gent Potels in each Taluk and
direct them with the powers
of a village Munsiff, and if
after a year or so it is found
that they give satisfaction,
others may be added to the
number, provided they are
qualified. The prospect of
becoming village Munsiffs
would be a sufficient incen-
-tive to potels to qualify them-
-selves for the office. They
should be entitled to receive
remuneration at Rs. 5 per mensem,
or the equivalent salary to that
which I hear is enjoyed by
village Munsiffs in the Madras
Presidency. Their proceedings
might with advantage be
subject to appeal by way of
check till they thoroughly
understand the procedure.

I have the honor to be
Sir
Your most obedient Servant
[illegible]
Munsiff

1879 No. 298

From 15.12.79
The Munsiff
Narasipur Sub Division

To The District Judge
Ashtagram Division
Dated 12th December
despatched
Received

Enclosure nonc

No. 122

Submits report on the subject of introducing the village Munsiff system in mysore

Explanation
a Cumbul Meas
of an opinion
to be made.
Do Cumbolis Licen
5 Rs for full
work.?

157 Ucld

Revenue 309 1491 80
17-12-79

59

Dispose of consiffo Court
Dated 12th December 1879.

Encl 60/7

To

The District Judge
Ashtagram

Sir,

In reply to your Circular No 36, asking me for an opinion as to the advisability of abbointing village Magistrates in consiffo under Reg IV & VI of 1816 in the Dupone Province, I beg to state that I do not think the people sufficiently advanced for the experiment. I have spoken to 3 or 4 native gentlemen on the subject, who all deprecate the introduction of the practice. The village Patels and Shanbogues in many instances at present exercise most unjustifiable authority in imprisoning and fining the ryots of their villages and in a few cases have been magisterially punished

Acts Ind Supp. 6
Penalties for Offences
of Omission & Neglect
of Duty by Public Servants

while the majority of such cases are hushed up. To give them any further powers would only tend to strengthen their coercive proclivities. No doubt the Civil Courts will be relieved of small suits to a great extent, but the object of the Regulation will not be realized in Impasse. The object is to diminish the costs of litigation, and keep the cultivating classes as much as possible at their homes. This in the case of Courts situated at a distance from the villages, would certainly be a desirable object. But in Impasse the Moonsiffs Courts are all easily accessible, and in my opinion with such a facility to obtain justice, it would be better for the ryots to receive it at the hands of a Moonsiff, than of an ignorant village Patel, assisted by a scheming and untrustworthy shanboque.

I have the honor to be

Sir,

Your most obedient servant

Thos. Saunders

Moonsiff

Impasse

Regd No 351
24-12-79

Dispone Moonsiffs Court
Dispone 20th December 1879

No 1531.

SG:
Encls 4 & 1 4

To

The District Judge
Salt Agra cum Division

W.T. in Mufsil.

Sir,

Your Docket No 3521 of the 18th Instant

I beg to state in reply to the above that the Records of the Police Department might throw light on the subject of my letter in question. The most glaring instance in which a Patél and a Chaukeedar combined and wrongfully imprisoned certain ryots of the Nareepura village in the year 1877 for not consenting to give them some money, will be found in the Records of the Tanjenpode 2nd Class Magistrates Court

Sub Div
No 26 Cudalore
Date 24 Dec 1879

where I as Magistrate punished the accused, fining them 200 Rs each. On appeal a term of imprisonment was also added to this sentence, which, however the Judicial Commissioner set aside, confirming only the sentence of fine, which was paid in full. Another instance brought to my notice only a month ago in a casual conversation with Mr. Krishna Iyengar, the Amildar of Channenpoor, on the subject of village Moonsiffs was that a Patel at Thagadone (I don't know his name) by force and against the will of the ryots compelled them to give him annually a certain quantity of manure and if they refused he and the Shanbogue got together and either concocted a case against the persons so refusing or fined them or oppressed them in some other way so as to make them

consent. The ryots complained of
this to the Amildar, when he went
to the village on Jamabandi, so the
told me I have known of two Patels
going into the houses of their supposed
debtors, and without any sort of
Judicial Process seizing and taking
away their cattle and sheep say-
-ing they did so to satisfy the
debts due. In one instance the wom-
was a poor widow and her sheep
were taken away by force for an
old debt said to be due by her late
husband In another instance tried
by me at Nanjengode a Patel acquitted
in the wrongful confinement of a
woman for one or two days without
reporting the matter to the Police. I
write all this from memory of
cases tried by me as Magistrate
when in charge of the Nanjengode
Sub. Division. If the Amildars of

of Talookas are called upon for similar
instances, I daresay they would give
valuable information on the subject.
But as I said in my letter cases
against Patels are hushed up by
themselves in many instances, and
even when brought to light, it is
very difficult to secure evidence
against them.

I have the honour to be

Sir,

Your most obedient servant,

Shupsiendrunath Mookerjee

Bombay.

No 950/79

Mandya Munsiffs Court,
Mandya 20th December 1879.

To

The District Judge,
Ashlapram Division.

Sir,

I have the honor to acknowledge the receipt of your docket No 96 dated 17th ultimo, calling for an expression of opinion on the subject of investing the village officials in this Province with the powers conferred on similar officials by the Madras Regulations IV and V of 1816.

2. I have not with me copies of the Madras Regulations in questions, but believe they provide for the village Munsiffs in the Madras Presidency being invested with powers to try summarily and decide finally, suits of civil nature up to Ten Rupees, and for the village Punchayats Exercising similar powers without limit to any amount, the decisions of both the village officials and Punchayats being open to challenge only on the grounds of corruption or partiality.

3. I presume that the powers of the village Munsiffs and village Punchayats do not necessarily oust the jurisdiction of the regularly constituted tribunals and that it is quite optional

tional with the parties either to resort to the
ower or the latter as they may choose.

If the above view be correct, I think there
n be no two opinions regarding the advantages
d practicability of introducing the regulations
question into the Province. Against this measure,
may probably be said that our village officials
not learn of Education, and that doors to oppression
d corruption will be opened wide if they are armed
th the powers proposed, and that instead of
checking litigation, they may promote it, and
that our ryots would soon prefer the expense, trouble
and delay incidental to our law courts, to the
speedy disposal of their disputes at their own doors
by the village officers, in whom they have little
or no confidence. There is no doubt that there
is much truth in these observations, but they
lose their force when it is remembered that it
is not compulsory on the part of suitors to resort
to the village Munsiffs and that it is quite op-
tional with them to go or not to the village officers
and that it is always competent to them go to the
courts if they so desire.

5. On the other hand, it may be said in
favor of the system that the village officials have
better opportunities of knowing the parties and
witnesses that may appear before them and
judging their claims better that there will be
considerable

considerable saving of trouble, delay & expense, which the absence of the parties and their witnesses from home, especially in seasons of cultivation and harvest, would necessarily entail by attendance at Courts, often at a distance of 5 or 6 miles and more, and that the regularly established Courts, whose work is often by no means light, will to a certain extent be relieved of the work of trying and disposing of petty suits, such as, those for damages on account of cattle trespass, loss of crops &c., slander, caste disputes, petty loans and others of a similar nature.

6. The objection that the Village Munsiffs who are known in this Province as Peteis are not men of Education is in my opinion not very valid, as in a majority of cases referred to above which would I presume probably fall within their cognizance, all that is necessary for deciding them is not a thorough knowledge or even acquaintance with our Criminal and civil law and procedure, but sound common sense, with which our Peteis can fairly be credited, and I have no doubt that, as a body, they will favorably bear comparison with the Village Munsiffs of the Madras Presidency, where the system is admirably working well.

7. If it is considered unsafe to extend the system all at once throughout the length and breadth of the Province indiscriminately, I would

would then suggest it may at first be experimentally tried at a few selected places say the Head Quarters of Talukas and Hobblies where the proceedings of the Petels are likely to be watched by the public and Government officials more narrowly & where the assistance and advices of the Sheikdars, which will always be available, will be of great use to the Petels.

I have the honor to be

Sir,

Your most obedient servant

L R Dubbashy

Municipality.

Encl. to No. 4 of 1880

No. 535

Mysore Sub Judge's Court.
Dated Mysore, 21th Dec. 1879.

To

The District Judge.
Ashtagram Division.

Sir

Adverting to your Circular No. 36 dated 17th Ultimo, forwarding copy of Judicial Commr's Letter No. 2765/75 dated 4th November 1879, and requesting my opinion as to the practicability and advantage of investing any village Officials with the powers of village Munsiffs, I have the honor to state that the success of the scheme would depend on the character and intelligence of the village Official. The village Officials available for the place would be like the Potails. The village Shanbhog plays an important part in the discharge of his duties by the village Munsiff.

Efficiency apart, the tone of morality prevailing in the class of people (with honorable Exceptions) from whence Shanbhogs and Potails are drawn, renders it undesirable that village Munsiffships should be created.

Barring the consideration of distance

distance, the people are sure of better Justice in the hands of our District Munsiffs; and the people would care more for the certainty of even handed justice, than the distance they would have to travel.

If, however, the Extension of the system to this Province should be considered necessary, barring the question of the periods of limitation prescribed for the institution of Suits, I do not see any alteration necessary in the Regulations IV & V of 1816.

I have the honor to be

Sir

Your most Obt. Servant.

L. Narahari Rau

Sub-Judge.

Mysore District

MMH.

Judl Dept No 364
26-12-79

No 242

Mangalore Sub Division
Munsiff's Court

Received 1406

To

The District Judge
Bellary Division

Dated 25th December 1879

Sir,

With reference to your Circular
No 36 dated the 17th October ultimo I have
the honor to submit the Judicial Commr's Circular
Letter No 2766 of the 4th idem on the
subject of investing Village officials
with the powers of Village Munsiffs
as hy exercised in Madras, I have the
honor to state that in my humble
opinion, the proposal is premature.

In this province there are, so far
as I am aware, only two classes of
Village officials at present, viz. Poligars
and Shanbogues - Under the Regulations
referred to in the Circular under reply
I believe the former are the proper persons
that should be allowed to hyexercise the
powers; but almost all of them are
illiterate, and also so ignorant that
they could not possibly be made

to

to understand the rules relating to
to the Village Municiffs tho' ever so
simple they be, and are quite incom-
petent to dispense justice to people.
The latter (Chairmen) cannot be
appointed as Municiffs as under
the said Regulations they will
have to act as Commissaries or Clerks
under the Municiffs. Besides they
are an intriguing set, and could
not be depended to do their work
honestly; I submit therefore that
it would not be prudent to invest
them with the powers.—

Even in the Madras Presidency
where the people are far more
civilized than those of these provinces,
I doubt whether the Village Municiffs
do you any worth while. The Pattels or
Head men generally professed ordinary
means of livelihood and are not so
wealthy as to resist the temptation
of corruption; they are liberally to
abuse their powers, and I would

not

not therefore advocate the exclusion of the Revenue to this Province.—

I would respectfully suggest that, instead of investing an illiterate Class of men with the powers of Recitals & Surrogate as proposed, the Circuit Court System of the Surrogate Courts which is now under Suspension, be restored; this would obviate the difficulty of Compelling Suitors to travel long distances for the purpose of having their disputes or claims for small sums settled.—

I have the honor to be
Sir
Your most obedt
W. D. Sandom Esqr
Surrogate

Inclusive. The
Embodiment in
above Patent
Claim
26

No 397

69 Revenue

District & Sessions Court
Ashley Ram Division
Mysore 7th January 1880

To,

The Revenue Secretary to the
Chief Commissioner
of Mysore —

Sir

I have the honor to acknowledge receipt of Order No. 9533-61 Dated 10th October forwarding Copy of the Selections of the records of the Government of India on the subject of Land Sale & calling for Opinion on the Orders & points noted in the Cir from the Home Department Dated 6th March 1879 published at page 432 of the Selections.

The Volume was sent in circulation to the Revd Officers of the Division, but only one reply that from the Sub Judge Hassan has been received the Volume has been recalled to enable me to reply to the reference which has been delayed in Consequence.

+ No. 100 Dated 30.12.79 there with call in original.

The papers forwarded with the letter in question refer to the measures to be taken for the relief of ryots in parts of the Deckan and the Questions propounded are.

1st "Whether it would be expedient to invest the Courts of Various Grades with a Summary Jurisdiction & when they possess such a Jurisdiction whether it should be —

be extended and if so within what limits and subject to what restrictions as to the subject matter of the suits.

2nd Whether there are any Districts or parts of Districts in which the plan of an assessment of the land Revenue varying with the season might be adopted with advantage

3 The further utilization of the Panchayet System.

These questions have arisen from the expressed opinion of the Secretary of State that some of the great causes which lie at the bottom of the poverty of the Deccan are wholly beyond the reach of the legislature all that Government can do being to take care that its own institutions shall not aggravate the misery which so often follows the spontaneous action of the population.

The evils noted are the paucity of Civil Judges and the distance of their Courts from the homes of the ryots which prevents their administering justice between debtor and creditor, and the remedy suggested is the existence of Courts with summary jurisdiction and possibly with the exclusion of professional pleaders placed within reach of the debtor's home.

Under the late revision of the Courts in Mysore, the Munsiffs or lowest Grade

Courts

Courts have Jurisdiction in all Suits in which the Amount or Value of the Subject matter in dispute does not exceed Rs 500.

In this Division Small Cause Jurisdiction up to Rs 50 is Conferred only on the Munsiff of Tanjanagude within the Local Limits of that Town, but the Subordinate Judges have Small Cause Jurisdictions up to Rs 500 within the Local limits of the Towns in which they are located.

The area of the Jurisdiction of the Munsiffs in this Division is as below—

Nos Quarters of Munsiff Courts	Territorial Jurisdiction	Area in Square Miles		Population	
Mysore	1 Mysore	394	771	126730	209241
	2 Talkad	377		82511	
Tanjanagud	1 Tanjanagud	176	996	64535	236431
	2 Yelandur	73		27459	
	3 Chamrajnagar	208		94363	
	4 Goondlupet	539		37777	
Hunsoor	1 Periapatam	447	1267	116334	236686
	2 Yadatore	168		65523	
	3 Nagamangala	652		54829	
Seringapatam	1 Ashtagram	333	1406	88468	327888
	2 Mandya	300		82286	
	3 Malavally	440		82372	
	4 Nagamangala	313		74762	
Nundydroog	1 Nundydroog	473	1470	42343	294778
	2 Arkalgood	172		91688	

Nordiyur Taluk	3 Chennarayapatam	454		78163	
	4 Adiccoppa	376		86182	
Hassan	1 Hassan	318		79590	
	2 Mungarabad	412		53833	
	3 Mahadevapandroog	138	1508	53136	295877
	4 Balur	476		64697	
	5 Arsikelly	164		42599	

The maximum distance which a Suitor has to go is about 50 miles which is in the Hassan District: the ordinary distance being 20 or 25

The actual distance travelled is not a point much considered by natives, but it is of importance that they should not be detained: and the average time of detention in these Courts of witnesses among whom parties must be included, is given in the appended return, showing that by far the greater no are discharged after one days detention.

The average duration of a Contested Suit in these Courts is 25·7 days, and the result of investing all Principles with Small Cause Jurisdiction up to a certain amount would be 1st, that as the labor of recording the proceedings would be less, the Moonsiffs could dispose of Cases more speedily 2nd, — that Litigation in Small Cause Cases must terminate there.

The reorganization at different times of the Civil Courts in Mysore has tended to remove the Courts of 1st instance further from the people, for the Amildars of Taluks had Civil Jurisdiction which originally included small Cause powers up to Rs 20 and it would no doubt be of advantage to suitors if Courts were nearer than they now are.

The question of appointing Village Munsiffs on the Madras System is now under consideration and I enclose Copy of my reply to a reference on the subject from the Revd Commissioner.

The chief difficulty in introducing this System in Mysore is the small no of qualified Patels, heads of Villages an objection which has been met in the Dekhan Agriculturists Relief Bill by Empowering the Local Government to appoint any other person possessing Local influence in a Village to be a Village Munsiff, but it appears to me doubtful whether persons would undertake the duties gratuitously, and if they did not, it would involve the appointment of regularly salaried Village Munsiffs at higher pay than is I believe allowed in Madras.

Considering the improvement in the personnel of the Munsiffs' Courts, I do not see why Munsiffs should not be entrusted

with

with Small Cause Jurisdiction up to Rs. 20 in ordinary Suits not relating to land, and as observed in my letter to the Sub Commissioner a tentative selection of Village Munsiffs may be made with Jurisdiction similar to that of the Madras Village Munsiffs.

If appointments of other persons were to be made as in Bombay it is probable that a proportion of suitable men could be selected from among the Taluk School masters who could without difficulty dispose of a few petty suits in addition to their ordinary duties. They possess a certain amount of education which would enable them to do all the writing that is necessary, and the fact of the appointment of Village Munsiffs being open to them would be a stimulus to the whole body.

The circumstances of this Province do not call for the special measures considered to be necessary in the Deccan where as was remarked in the course of the discussion on the Bill the difficulty to be grappled with is local & exceptional and the remedies correspondingly experimental.

With regard to the suggested plan of an assessment varying with the seasons it seems to me that this only another name for the grant of remissions, except that they

should be given in instance for large areas instead of to individuals and consists of a proportion instead of the whole of the assessment

The Enquiry of the Governor General in Council addressed to the Government Bombay in letter 222 of 26th February 1879 page 432 of the Selections is limited to the Deccan 4 Districts of Bombay included in an arid tract where it is said that a good rainfall comes only once in 3 years and where the assessment was based in part on an unduly high estimate of the normal value of field produce in the Deccan and with the exception perhaps of Shikarpur this description is not applicable to Sindh.

The old records of the Sindhia Government show that remission formed no part of the Ancient Native Rev. System, they were partially introduced after the Province was placed under British Administration and were continued irregularly until the introduction of the Bombay Rev Survey and Assessment.

The circumstances of the famine were disastrous and exceptional but the principle recognised was postponement rather than remission or remand. It is thus stated in the Rev. Proceedings Chief Commrs 838 g. 26th December 1877 Note "In settled Talookas the general principle is that Sugola must take the good years with the bad and no reduction can be granted.

But

But the calamity to this and the two last years Crops has been of such magnitude that the general rule must be set aside for once.

At a later period Order 5418 Rev. 26 15th Oct. 78 was issued regarding recovery of Arrears and sanctioning remission to certain Classes of Ryots.

The difficulty of applying any rules to cases of this description is too well known to require details. The whole population is of course leagued against the tax Gatherers and when the latter are unscrupulous unbounded frauds on Government are committed which would certainly be aggravated if it was a recognised principle that the Revenue of whole Districts or Taloks would fluctuate with the season.

Excluding this Consideration however the application of the System would in practice be in many cases even more arbitrary and hazardous than individual enquiries, for the rain fall is so varying & capricious that the fields on one side of a Village may yield fair Crops while the Crops of those on the other are a total failure.

Very little or no prospect of a successful revival of the panchayet System in Civil Matters. It originated at a time when Courts were not in existence

and

and can only be useful when the people, spontaneously in all themselves of Panchayet and as Arbitrators which there is now no disposition among debtors and Creditors to do.

In Mysore it was persevered in for a long series of years as part of the Civil System of the Country and latterly both Judges and parties held last Conferences with

I have the honor to be
Sir
Your most obt Servt
[illegible]
District & Sessions Judge
Ashtagram Division
Mysore.

Copy

[illegible]

District & Sessions Judge
Ashtagram Division
Mysore.

Quarterly Judicial Statement of the Civil Suits shewing the Average duration of Suits, the Average number of adjournments and the detention of witnesses

For	Class & locality of Court & name of Presiding Judge	Average duration of Suits		Average No. of adjournments	No. of witnesses discharged after				For explanation of delay where witnesses have been detained till the 4th Day.
		Contested	Uncontested		1 Day	2 Days	3 Days	4 Days	
	1	2	3	4	5	6	7	8	9
Quarter ending 31st December 1879	Bonnieffs Court Sanzanguba V. D. Pontarangas Broo-Delin	25-7	25-2	31	857	33	"	"	

Sanzanguba 5th January 1880

Chief

Signed V. D. Pontarangas Bonnieffs

District Judge

No 344.
Encl 8.

Nagar Division 77
District Judge's Court
Shimoga 14th January 1880.
Recd 16th

To

The Judicial Commissioner
of Mysore

Sir,

I have the honor to reply to your Circular letter No 2765/75 of 4th November last calling for an expression of my opinion and those of the Judges of the Subordinate Courts on the following points.

I. The practicability and advantage of investing any village officials with the powers of Village Munsiffs as exercised in the Madras Presidency under Regulations IV and V of 1816.

II. What modifications are recommended in the provisions of those enactments if applied to this Province.

2 Replies have been received from all the Subordinate Courts excepting from the Munsiff of Nagar who has deferred his report until he has been able to peruse the Regulations

in

in question, and from the Moonsiffs of Sagar and Chellakere. The opinion of one of the leading Advocates at this place was also sought but has not been furnished.

3 On the question of introducing the measure into this province, the opinions of the several officers consulted, are nearly equally divided. Of the 3 Sub: Judges, Messrs Cress and Srinivachary are in favor of the measure being tried in Mysore, subject to certain modifications; and similar opinions have been expressed by the Moonsiffs at Chitrunghur and Shikarpur (Messrs Raghavendra Rao and Seemasastrigar).

4 On the other hand, the Sub: Judge of Kadur District (Mr Chidambara Iyer) who argues from some experience of the working of

the

the Regulations in the Madras Presi-
dency, is decidedly opposed to the
measure, on the ground that the
Village Courts are not popular in
the neighbouring Presidency, and
owing to the inferior status and
qualifications of the Patels in Mysore
there is no prospect of the measure
being worked successfully here.
His opinion, though less decidedly
expressed, is shared by the Munsiffs
of Chitaldroog and Davengere, as well
as by the late Acting Munsiff at
Shimoga.

5. The question is one on which it
would be rash to offer any but a
qualified opinion as to the prospect
of success which would attend the
introduction of the measure. But
I have no hesitation in stating that
I think the attempt should be made,
provided of course that great care
and caution are exercised in the
first instance in selecting the
individuals

individuals who are to be invested with these powers.

6. The steps that have been taken since the Survey Settlement was introduced, to select fairly capable headmen & Patels of Villages, and to invest them with a certain measure of responsibility in that capacity, have paved the way undoubtedly for giving them a better official status than that which consists in the Police duties now devolving on them, and in those relating to the collection of the revenue of their villages. As remarked by Mr. Srinivachary, "our Patels are now in a despised condition and by investing them with some authority in their villages, we would make them respectable, as they desire to be."

7. The possession of these powers, by a certain No. of selected Patels in each Taluk will act as an incentive

incentive to others of the same class to qualify for the position of village Moonsiffs, and to fit their children or successors by education for it.

8: Under the 2nd head of your enquiry, various suggestions have been offered, by the Sub Judges of Shimoga and Chitaldroog.

II 5 9. The Sub Judge Shimoga considers that the Limitation Act might be applied to all cases coming within the Village Moonsiffs Jurisdiction, but if not, one year should be the limit. The Sub Judge Chitaldroog is in favor of fixing the period of limitation at 6 years or even 3 years; instead of 12 years as under this section of the Regulation. It appears to me that as the cases to be adjudicated by Village Moonsiffs will be mostly those falling under Part IV of Schedule II of the Limitation Act,

the

the period of 3 years might be suitably fixed for all cases.

10. The Sub Judge Shimoga would prohibit the intervention of Vakils or Agents, except for females. This would I think be a desirable provision. Section X

11. The same officer recommends that summonses to parties and witnesses should be written and not verbal. Section XI. Section XLV

With reference to Clause 2 of the latter Section XV the Sub-Judge Chitaldroog proposes that when an oath is administered to a witness, the deposition should be reduced to writing, and attested in the usual manner by the Village Moonsiff. I concur in the latter suggestion.

12. The Sub-Judge, Chitaldroog, suggests that an appeal against a Village Moonsiff's decision on ground of corruption or other misconduct, should be preferred to the District Moonsiff instead Section X

of

of to the Zillah Judge. I concur in this.

XX 13. For execution of decrees passed by Village Moonsiffs, the same Judge proposes that a process serving Establishment should be entertained, and attached to the District Moonsiffs Courts. I am not in favor of giving the Village Moonsiffs a special Establish: ment to execute their decrees. If from any cause, the village Moonsiff cannot enforce his decree within a limited time (say) 6 months, the decree holder should be required to apply by petition to the District Moonsiff who will proceed to execute the decree with his own Establishment. As suggested by the late Acting Moonsiff Shimoga, the village Moonsiffs should be prohibited from attaching immoveable property in execution of their decrees, as these frequently involve the adjudication of other claims.

14. I agree with the Sub: Judge, [illegible]
Chitaldroog, that the penalties provided
in this section for corrupt or illegal
practices on the part of Village
Moonsiffs are not sufficiently deterrent,
and that they should be made
amenable to the Criminal Law. Charges
of this nature might be preferred to
and investigated by the Sub: Judges.

15. Two of the Moonsiffs (Chitrungkur
and Chikanpur) propose that the
pecuniary Jurisdiction of the Village
Moonsiffs under Regulation IV of
1816, should be limited to Rs 5. I
see no occasion for reducing
the amount below Rs 10.

From [illegible] - 1510. 16 The above
modifications may be adopted
in regard to the provisions of
Regulation V. The Sub: Judge, Chitaldroog,
recommends however that the
pecuniary Jurisdiction in cases
tried by Punchayets under this
Regulation, should be fixed in
the

the first instance at Rs 100. The pro-
posal of the Sub Judge Shimoga,
that in all cases tried under this
Regulation, the provisions of the Stamp
and Limitation Acts should be made
applicable, does not command itself
to me.

17. The reports of the Judges of the
Subordinate Courts, 8 in all, are
herewith forwarded in original
for reference if necessary.

I have the honor to be,
Sir,
Your most Obed.t Serv.t

Henry H Lucky
District Judge
Nagar Dk

88

No. 88.

Davanagiri Sub Division

Munsiff's Court

Davanagiri 27th November

1879.

Received 4/11/79

To

The District Judge

Nagar Division.

Sir,

With reference to your Miscellaneous Circular No. 539 dated 18th Instant calling for my opinion as to the practicability and advantage of investing Village officials with powers of Village Munsiffs as exercised in the Madras Presidency, I beg to state that the system had proved a success in the Madras Presidency in as much as it tends to relieve the Zilla Courts of their heavy work

work, to diminish the expense of litigation in petty suits and to lessen the trouble and inconvenience to parties by their being obliged to absent from their homes for number of days.

I am doubtful whether the system would, if introduced in this Province, so well work as in the Madras Presidency. For there the heads of villages are far more intelligent than the Gowdahs of Mysore and as such are competent to exercise Civil and Criminal powers vested in them by the Madras Regulations IV and V of 1816. In this Province, Village Munsiffs will have to be selected from the Vakaligers as they are generally the heads of

of villages, that they are far
below the mark in point of
qualifications necessary for
holding such an office -

I therefore beg to submit
that the introduction of such a
system into this Province may,
in all probability, prove a
failure -

I beg to remain,
Sir,
Your most obedient
and humble Servant,

Mississippi

93

No 285

Shimoga Subordinate Judge's Court

Shimoga, Dated 27th November 1879.

Encl: 1 L.

To,

The District Judge

Nagar Division.

Sir.

In reply to your miscellaneous circular No: 539 of the 18th instant = I have the honor to state that in my opinion, the provisions of Madras Regulations IV and V of 1816 may with much advantage be introduced into the Mysore Province, with such changes and modifications as may be considered necessary and suitable to the existing state of affairs, and the condition of the people. — Some trifling loss of Stamp Revenue will of course be the consequence of Empowering such suits as are triable by Village Potels from the payment of Court fees, but the gain to the people in the way of convenience of access to the village tribunal, the avoidance of long delays in, and journeys to and from, the Courts, also the less likelihood of ill feeling arising from a suit between fellow ryots, will amply compensate for any slight pecuniary loss.

2° I would not advocate an immediate general extension of the powers contemplated in the 2 Regulations, to all Potels

Patels indiscriminately, as some are not qualified in any way, and others, for various reasons cannot safely be entrusted with such summary powers; tentatively the Deputy Commissioners in consultation with the Amildars, might recommend about 25 per cent of the Patels, who are best fitted to decide petty suits, and after these have been tried for a year or two the measure might then, if it proved successful, be gradually introduced throughout the Province; the Patels of the larger villages, which are not the centres of much trade to which the provisions of the Regulations are unsuitable, would of course have the preference in the first instance - & otherwise qualified and fitted for the Exercise of Civil powers.

3. I beg to append a memo of Suggestions which have occurred to me in regard to the modifications which appear necessary.

I have the honor to be

Sir.

Your most obedient Servant,

A. Brees

Subordinate Judge

Shimoga

Memo regarding Regulation III of 1816.

Sections II - III IV may be passed in their entirety -

Section V - clause first.

In full, only substituting Government &c for Arrest &c.

Clause second - It is pronounced that the provisions of the Limitation Act will apply; if not, one year seems long enough, so as to avoid stale cases and have the evidence fresh and the more trustworthy; commissions and minority should not be allowed to prolong the Limitation period, as a wide door for fraud and false swearing — would thus be opened; cases older than one year might be filed in the Regular Civil Courts.

Sections VI - VII - VIII in their entirety.

Section IX - Vakils and Agents should be strictly prohibited, the truth may best and most easily be got at from the parties themselves; a relative of a female suitor might be allowed to appear.

Sections X — XI - In full.

Section XII, first clause -

Verbal summonses are objectionable,

no service could not well be proved, a simple form on a small scrap of paper would be best, something like the following-

Case no:

Plaintiff - vs - Defendant.

Suit to recover Rs — on account of —— Defendant to appear on ——

Total.

Second and third clauses are unobjectionable.

Sections XIII - XIV, to be adopted in their entirety -

Section XV in full, with the alteration suggested in section XII, of a written for a verbal summons.

Sections XVI to XXVII in their entirety:

Sections XXVII and XXVIII may be omitted, since they come within the purview of Regulation II of 1816.

Sections XXIX to XXXIV may be adopted in full.

Section XXXV - Subordinate Judge may best be substituted for Zillah Judge, this would be the most convenient arrangement, as each Revenue District has a Subordinate Judge who could be appealed to easily by injured parties.

Regulation V of 1816. 97

The extension of this Regulation would legalize the proceedings of Village Punchayats, which are frequently assembled now for the decision of disputes, but have no legal status; by giving such Proceedings and decisions the force of Regular decrees I think much litigation will be avoided, and proportionable benefits ensue, the provisions of the Stamp and Limitation Acts would be of course applicable to all proceedings before Village Punchayats, and Vakils might well be dispensed with, & parties believe a Female Relative appear for a female, in all other respects the Regulation appears suitable to Impose.

H. Rees
Subordinate Judge,
Shimoga

Sep No 584

1879/80.

From

The Sub-Judge

Shimoga

Dy 27-11-79.

28

2-12 Encls 1

No 285

28 — -11 — — 1879

Judl Dept

Await replies from

other Offices

District Judge

1 — From Shimoga Sub-Judge

No 285 d/27--11 1879

Registered No 118

Encl to D.S. 5/95

Shimoga.

3rd Dec 9/79.

To

The Commissioner
and District Judge.
Kaduur Division.

Sir.

2. Put on the file

I beg to acknowledge receipt of your letter No 537 dated 18th Ultimo, and in reply to state, that the advantage of investing village officials with the powers of village Munsiffs, is manifold. If the System to Can work well, villagers will be relieved of the expenses and inconvenience attendant on prosecuting Small claims at distant localities. Creditors and debtors would derive of incalculable benefit, if their claims are heard and decided in their very homes. The only obstacle in the way of the satisfactory working of the rules, is the want of education in the mass of our village Community.

The Patels, on whom [illegible] heads of —
villages, the duty will devolve, are
generally shamefully illiterate or —
uneducated. Even those, that can
profess to know to read & write, have
hardly had the benefits of any moral
training. Even in the discharge of the
limited responsibility now resting on
them, many of them are seen to fall
into the snares of self interest & personal
prejudice. The rules indeed contemp-
-lates the class, who are to be the —
machinery to work them, but it is
not want of letters alone but of want
of education in some form, that I —
complain of. I must submit, that —
from my own knowledge of this part
of the country, I cannot so cordi-
-ally advocate the advisability of extending
the powers of village officials. Besides
this, there would be good deal of
difficulty in ensuring the regular
conduct of proceedings, keeping of —
registers and other details prescribed
by the rules, except perhaps in the

Above

Head Quarters of Talukas; for the Pakka Patil not being Completed in Several Talukas of the District, the No. of Shanbogues available will hardly be in the proportion of 1 to 10 to the No. of Patels. Their remuneration of Talukas have not yet been fixed. So, the general application of the System appears at present impracticable. There may be no danger, however, in select — instances, such as large villages being the H.Q. Quarters of the Talukas or Hobles. — Shirol-Kop, Arvathi, Anantapur, — Santebennur & the like; where Patels & inhabitants of Execution and respect. — ability may be available, to introduce the rules Contained in Regulation IV of 1816 as an experimental measure. In its — application to this province, I would humbly advocate the following — alterations in the rules: —

(1). Sec: 5. That appeals be allowed to — some authority or the Patels — directed to decide Cases by the Panchayet Convened under the rules Contained in Regulation

regulation V of the same year.
The rules for decision in Cases of
differences of opinion may be —
adopted, the Patel being considered
always one of the Panchayet Jurs.

(2). The Patels must authorized to
Sec: attach immoveable property, as
30 incidental to such a power, the
necessity to adjudicate upon Claims
would arise.

The battas to peons deputed by
the District Munsiff to hold sales be
left to be determined by rules, like
those in force, for allowing Commission
to Selling officers.

Sec 29. (3) That it be Specified, that the
parties may return the Suits in
Competent Courts, the decision of
which Munsiffs in which are Set.
aside as in Sec: 29.

The necessity to decide in a
Panchayet would keep the Patel in
check, and Such a System besides
would not be foreign to the habits
of the people in these parts. Such
a rule would be welcome by the —

No 2

by the people rather than that of Confirming the powers of decision to the Petal Assn. The retention of Regulation of 1816, may be considered, after the Regulation IV. is found to work well.

I beg to remain
Sir
Your most obedient Servant
[illegible]
Hy: Dundas

No. 65

Encl 1 to 5

Chittal Droog District
Subordinate Judge's
Court
4th December 1879

To

The District Judge
Nagar Division

Sir,

I have the honor to acknowledge the receipt of your letter No. 539 dated the 18th Ultimo asking me for my opinion as to the practicability and advantage of investing heads of villages with the powers of village Moonsiffs as exercised in the Madras Presidency under Regulations IV and V of 1816.

2. I have carefully studied those Regulations and think that there cannot be any reasonable difference of opinion as to the advantage of introducing them into Mysore. No stronger practical proof of the usefulness of these Regulations need be adduced than that for upwards of 70 years they have worked most successfully in the Madras Presidency

Presidency, without any material alterations being made in them during that long period.

3. The practicability of investing our village officials with the powers of village Moonsiffs is a question to which it is not easy to give a satisfactory answer. It is well known that the headmen of our villages are in the main illiterate and ignorant, and on this ground some might object that it would be useless to invest them with any power; but it seems to me that 70 years ago, the majority of the Madras Potails and Reddies must have been, and even at the present day probably are, in very much the same state as our own Potails, and if in their case a very successful result has been achieved in the working of these Regulations, I see no reasonable ground for doubting why in course of time a similar result should not be attained in this Province also.

4. Our Potails are in a much despised condition now and by investing them with some authority in their villages, we would make them

Reg No 593
5-12-77

5th 12- 1877.

Judl Dept ....
await replies from other
Officers .....

District Judge

them respectable as they desire to
be, besides gaining our primary
object of administering cheap and
speedy justice to the large class of
petty suitors for whom Regulation III
of 1816 is intended. And I have no
doubt that when our Potails see
that they are invested with some
authority they will try to educate
themselves so as to be fit to discharge
their functions rightly and well.

5. The following are the modifi-
-cations which I would respectfully
suggest in introducing the Regulations
into this Province -

Regulation III section 5. (1) With regard to the time allowed for the filing of suits by section 5, viz 12 years, I would, having regard to the tendency of the modern Limitation Laws, reduce the period to 6, if not to 3 years -

Section 15 (2) In all cases in which a Village Munsiff exercises his discretion of administering an oath to a witness, which probably will be but rarely, he should cause the deposition of such witness

witnesses to be taken down in writing by the Shanbogue, and read over to, and attested by the witness, with a foot-note bearing the signature of the Potail that it has been so read over and acknowledged by the witness to be correct. This precaution seems to me to be necessary in order to sustain a prosecution for perjury against the witness giving false evidence, before a competent criminal Court.

(3) Appeals from the decisions of village Moonsiffs on the ground of corruption or partiality might, I think, be advantageously made to District Moonsiffs. Section 29

(4) A permanent process serving establishment specially intended to execute the decrees of Village Moonsiffs should be attached to the Moonsiffs' Courts, the strength of such establishment varying according to requirement. Section 30 Clause 3rd.

(5) The punishments provided for corruption or oppressive and illegal acts on the part of Village Moonsiffs are not deterrent enough. They should be made amenable to the criminal law in force for the time being. Sections 35

6. The above remarks also apply to Regulation V of 1816, with regard to which I would also add that as a tentative measure the pecuniary jurisdiction of Village Punchayets be limited to 100 Rupees; and if in course of time the scheme is found to have worked well, then the amount might be raised according as experience might suggest.

7. In order to test the satisfactory working of the scheme in question, I would respectfully suggest that a trial might be given to it in some selected District, say Bangalore, for about 6 months, which I consider to be the lowest reasonable period for judging of the result, although I should prefer to see it work for a year before forming any conclusion about it.

I have the honor to be

Sir

Your most obedient Servant

Pherozeshah Cursetjee

Subordinate Judge

Chittaldroog

1908
Encl: 1 -

Chikugher Lat. Division
Kundiff one [illegible]
Dated 6 December 1879

No.
132

To.

The District Judge
Nagar Division

Sir.

In reply to your Mis. Circular No 8-
539 of 18 Ultimo, I have the honor to
state that at present the territorial
jurisdiction of each of the Municipalities
~~the Provincial Executive Government~~
than one Taluk and it is necessary
to file a suit involving the sum or
amount of money now to travel miles
from their village - it would be a great
advantage to the village officials if
the powers of the Municipalities.

2. I would like me that it should
of the Patils available to [illegible]
while their [illegible]
case should be [illegible]
Municipalities that
as a tentative measure the pecuniary
jurisdiction of the village Municipalities
in this Province should not exceed

to

& more than five Rupees.

Please Acknowledge

Sir

Your most obedient

Servant

T. Ruthnaswamy Esqr

Mundiak

E. & O.

No 601

1879

From Rt. Annasiah Chetty

To Thulasi Ingapuram

No 132

Dated 6th December 1879

Rs.

Rs ——— /R ——— 1879

Annaik Rs. Rupees from other

Officers

Dated

Received the Amount

Rupees

Chetty

No: 115

Chitaldroog Munsiff's Court

D/ 13th December-1879

To

The District Judge
of Nagar.

Sir,

In reply to your letter No 539 of the 8th Ultimo I beg to report as follows:-

I am of opinion that the time has not yet arrived for investing village officials in this Province with power to entertain and dispose of civil Suits.

The class of village officials whom it is proposed to invest with the above power is presumably the Patels. To dispense justice impartially & well, a respectable and educated set of men are required. Our Patels are however mostly illiterate men, while very few of them are up to the mark in point of respectability. In most of our villages there are two factions, one of them being headed

by the Patels and the other by other men of influence. It is therefore difficult to expect the Patels to be impartial alike to both the factions.

As a rule Patels and Shanbhogs are at loggerheads with one another. It is consequently too much to expect the latter to serve the former cheerfully and well as clerks and assessors. Moreover each village does not generally possess a Shanbhog exclusively for itself. That one Shanbhog should serve under a number of Patels is certainly not easy. The result would I think be unseemly quarrels between the Patels & Shanbhogs, and inconvenience to Suitors.

A fair Knowledge of the Stamp Law and the Law of limitation as well as of a portion of the Civil Procedure Code is indispensable. The village Patels cannot pretend to be possessed of the same.

It will thus be seen

that only a small percentage
of our Patels and Chaudharis
would be found to possess
the requisite qualifications &
be unobjectionable on other grounds
I think even these need not be
empowered to hear Civil Suits
for reasons assigned below.

Cases involving small
sums of money are mostly settled
amicably as between the parties
themselves. Some parties who
cannot settle them in this way,
seek the intervention of an
impartial Panchayat, if available.
There are again some who resort
to the Patel, if he is honest
and influential. The Panchayat
and the Patel decide such cases
by word of mouth, and their
decisions are respected and
acted upon in the majority of
cases. It is only those parties
who cannot come to any such
amicable arrangement that

take legal proceedings. Such
cases are few and far between.
Out of 798 suits filed in this
Court in the years 1875, 1876, 1877
and 1878, only 36 were suits involving
Rs 10/- and under, but of these
nearly more than one half would
certainly not have gone to the
Patels, even if all of them had
been village munsiffs, as only
those Plaintiffs would have
preferred their complaints to
Patels, who had no reason
to apprehend a miscarriage
of justice. The percentage seems
to be too small to call for the
investment of the powers in
question.

I have reason to believe
that the state of affairs is very
much the same in the Madras
Presidency and that the village
Munsiffs there do not encourage
the institution of suits before
themselves, as it involves on
them

them labor, time & responsibility.

From what I have seen of the state of litigation in Mysore as well as Madras, I cannot but hesitate to recommend village Patels in Mysore being invested with power to hear and dispose of civil suits, however paltry may be the sums involved therein. Much less would I invest Patels as arbitrators to decide cases involving ~~such a large sum as Rs. 100/-~~. It is true that appeals or rather complaints on the ground of partiality, corruption &c, may be provided for, but this would not remedy the evil as it is not easy to substantiate a charge of this description, while people might be deterred from preferring any such charge by a natural fear of being mulcted in a heavy fine in the event of failure.

Even

Even if it is desirable to
utilize the services of Patels in
the administration of Civil justice,
I think the best material available
should be selected instead of
one and all of the Patels being
made village Munsiffs. The
persons so selected should each
have jurisdiction over a
group of villages. Their pecuniary
jurisdiction may for the present
be limited to 5 Rs. There is
a great deal in Regulation IV
of 1816, which is inconsistent
with the law now in force in the
Province. It seems to me therefore
advisable to frame a separate
set of simple rules embodying
the principles of the law, both
as expounded in the aforesaid
Regulation and as now in force
in the Province. I am strongly
of opinion that the Regulation
as it stands would not answer
[illegible] but that modifications

on a somewhat extensive scale in respect of limitation and Procedure are necessary. It is also a question requiring serious consideration whether the village Munsiffs should not be accountable to the Sub Division Munsiffs, for acts done by them in their judicial capacity, instead of to the District Judges or Sub Judges.

Regulation V gives powers to Panchayets to an unlimited extent. This seems to me to be dangerous in the present state of our Province. It is difficult to get arbitrators of position and respectability in our villages. Suitors would prefer our Courts to the class of arbitrators who are available. Most of the arguments advanced against the extension of Regulation IV to this Province apply with even greater force to this Regulation. Lastly as the Civil Procedure Code provides for the reference of disputes

to arbitration without the intervention of the Civil Courts, no other and more elaborate law on the subject seems necessary.

I beg to remain,
Sir,
Your most Obed't Serv't.

Clarence Jennings
Mem'ff, Chickasaw Co.

---

17 — 12 — 1879.
Jude Dixon
Circuit explain from other Officers
Dist. Judge

1879 —
From the Immigration Co. Tulare
To the District Judge
Fresno Co.
Cal.
Dec 13th 1879
17.
18.

635

No 237

Kadur Subordinate Judge's
Dated 27th December 18
Recd 28th Do
118
Recd 1881

From

The Subordinate Judge

Kadur District

Chickamagalore

To

The District Judge

Nagar Division

Sir

In answer to your letter of the 18th ultimo
asking my opinion whether the Regulations 4 & 5
1816 that are in force in the Madras Presidency
may be introduced in Mysore, I beg to state that
I am not in favor of bringing the said
enactments in force in Mysore.

2. In my experience I have seen in the
Madras Presidency that the said acts are dis
letters in many places and the people do go
generally to District Moonsiffs Court for
petty cases also instead of going to the village
Moonsiffs and I have very rarely seen a village
Moonsiff exercising power under the acts in
question.

3. The people generally having no respect to
and much confidence in the village
Moonsiffs, they are rather against filing
cases before the said Moonsiffs and as
I have seen these things in person, I state
the acts referred to may not work usefully

in Mysore where the Potails are worse in ability and intelligence than in Madras.

I have the honor to be
Sir
Your most obedient servant

W. Shirreff Thompson
Subordinate Judge
Kadur & C
Chickanayakenkote

30 — 1st — 1879

Chickanayakenkote
award regarding transfer of
other Officers —

District Judge's

From the Sub: Judge
Kadur
No. 237
Dated 29: Dec: 1879

No. 8249 Revenue
421

Nundydroog Division
Dist^t Headquarters Court
dated 18th February 1880

120

To,

The Judicial Commissioner
of Mysore

Sir,

Adverting to your circular
letter No. 276/75 dated 4th November
last calling for opinion as to the
practicability and advantage
of investing Village officials,
in Mysore, with the powers
of Village Moonsiffs under
Madras Regulations II and V
of 1816, I have the honor to
append a precis of the replies
received from the undermentioned
officers and gentlemen who
were consulted by me on the
subject. I also submit the
replies in original for perusal
and

and reference, if necessary, and I request they may be obligingly returned when no longer required.

2. The Subordinate Judge of Bangalore, as also the Moonsiffs of Bangalore, Gellahanka and Closepet observe that the village community being generally uneducated the Regulations in question may first be introduced as a tentative measure only in those places where intelligent and trustworthy Patails may be found and if it prove successful it may gradually be extended to other places also. Mr. Venkataramanaiya suggests that selections for the Office of a Village Moonsiff may be made not only from amongst

amongst the village officials but also from other qualified persons, such as pensioned Amildars, Sheristadars &c.

3. The Subordinate Judge of Tholar recommends only the introduction of Regulation V of 1816 as it gives both the parties equal choice in seeking arbitration of Village Punchayets, and as the Punchayet system, which is well known to the people, is even now occasionally resorted to. He would fix Rs. 10 as the amount beyond which the individual who may be selected to arbitrate between parties should not have jurisdiction. He is not in favor of introducing into this

this Province, Regulation IV,
as it gives option only to the
Plaintiff to go to the Village
Moonsiff for relief or not as
he wishes but no such privilege
is allowed to defendants. More-
over, he adds, that this Regu-
lation is not unexceptionably
popular even in the Madras
Presidency.

4. The Moonsiffs of Polur and
Tumkur advocate the intro-
duction of both the Regulations,
but the Moonsiffs of Chittoor
and Chingleput are opposed
to their extension. They ground
their opposition on the prevailing
ignorance and want of
education among the villagers
and on their consequent inability
to exercise the powers conferred
by

by the Regulations. The Moonsiff
of Shikarpoor suggests that,
before introducing such a
measure as that now under
consideration, a circular be
issued to all the Patails in
each District, calling upon
them to pass an Elementary test,
in the Vernacular, in Reading,
Writing and Arithmetic, before
the Deputy Commissioner, in the
course of the next two years,
with a view to such of them
as may be found qualified
being invested with the
powers of Village Moonsiffs
5. The Moonsiff of Tumwaker
is of opinion that it is rather
premature to work a scheme
like that proposed. With his
experience

experience of Village Police since
his nomination as a
Moonsiff he has found that
a Village official exercising
the greatest influence in a
Village is devoid of moral
character and proves to be
hypocrical to the Villagers of
this Province, they being Comparatively inferior to those of
the Madras Presidency in point
of intelligence and independence.
6. Messrs Sreenivasa Charry
and Meenakshya are of opinion
that, owing to the mass of
the people being generally ignorant
and illiterate, it is advisable
not to introduce the Regulations
in their entirety to the whole
Province but that only such
Details as are declared by the
Deputy

Deputy Commissioner to 17/12
competent and respectable may
be invested with the Civil powers
under the Regulations.

7. It will be seen from the
foregoing summary that almost
all the officers consulted
are generally of the same
opinion as that expressed by me
in para 8 of my Memo dated
18th November last submitted
to you with this office No.
1963/291 dated 19th idem.

8. I have only to add that, in
the event of the proposed measure
being tried, as an experiment,
in selected localities, the pecu-
niary jurisdiction of the
Village Moonsiffs may for
the present be limited to 5 Rs
and the General Stamp and
Limitation

Limitation Laws made applicable
to suits and documents filed
before the Village Moonsiffs.

9. If this suggestion be approved,
clause 2, section I, and sections
33 and 34 of Regulation IV of
1816 will have to be amended.
I would also omit section 35-
as, under the Indian Penal Code,
any public officer may be
proceeded against for misconduct
or corruption of the nature
referred to in the said section.
It will perhaps be necessary to
provide that the sanction of
the Deputy Commissioner or
District Judge should be ob-
tained previous to prosecution
of a Village Moonsiff Criminally
for any act done in his capacity
of Village Moonsiff.

10. I

10. I think it is unnecessary to introduce Madras Regulation II/1816 in regard to conveying Village Panchayats. There is nothing to prevent parties selecting their own Arbitrators, and when an award has been passed the parties may, if they choose to do so, avail themselves of the provisions of Section 523 Civil Procedure Code. In this view I would suggest also the omission of Sections 27 and 28, Regulation IV of 1816.

I have the honor to be,

Sir,

Your most Obt. Servant,

C. Ramaswamy Chetty

Distt. Munsiff Erode

VM

No: 679

Rec'd & entered 21/11/79

Subordinate Judge's Court
Bangalore District
Bangalore 21st November 1879

To,
The District and Sessions Judge.
Bundiderong Division

Sir,

In reply to your Circular No. 1962 / 1972 / 130, dated 19th November 1879, I have the honor to state that it does not seem to me expedient that village Officials should as a rule be invested with the powers of Village Moonsiffs. But here and there a few Competent persons may be found. The District Officers will be able to select them. By appointing these persons as village Moonsiffs, and watching the result of the experiment for some time, experience may be gained which will be useful hereafter. In the meantime other village Officials also will be induced to qualify themselves for the Office. It may also be remarked by the way that besides village Officials there must be other respectable inhabitants too in the

villages who should be more
or less ambitious for the office,
and by position intelligence and
education, be qualified equally
with the Village officials. Some
of the pensioned Huildars, Sherista-
-dars, and others of the same rank
who live in the villages may,
I presume, be willing to take
up the office. The selection
therefore may be made from
these non-officials persons
also with great advantage.
But for the present, the proce-
-dure should I think be the
same as in the Madras Re-
-sidency. —

I have the honor to be

Sir

Your most obed.t Servant.

T. Ogle Carnegy

Subordinate Judge.

130
Rec'd #6

No: 525

Subordinate Judge's
Court Galle
28th November
1879

From

F. H. Obeyesekere Esqre, B.A
Subordinate Judge
Galle District

To

C. P. C. &c. &c. Thumbiratchelly Esqrs
District Judge
Tangalle

Sir,

I have the honour to acknowledge receipt of Judicial Commissioner's Circular No: 2765/75 dated 4th November 1879 and in reply beg to make the following observations.

1. Regulation No: III. of 1816 empowers Village Moorneffs to hear, try and determine of their own authority and without appeal such suits as may be preferred to them for sums of money or other property not

or value of which shall not exceed
10 Rupees." Section 31 Heads of villages
are by virtue of their office Honorary
within their respective villages.
According to the Regulation an appeal
is given to the Plaintiff to go to the
Village Honorary for relief and not
to be heard; and Certain Inferior
Criminal Courts in the Madras
Presidency at present for Parties to
go to the District Honorary Court
even in suits within the Village
Honorary Pecuniary Jurisdiction.
On the other hand no such privilege
is enjoyed by the Party Defendant.
He cannot challenge the village
Honorary and it is a matter of
Compulsion for him to appear and defend.
Often times villages are divided
into parties and heads of villages
belonging different sects are on the
other of them. Should the Defendant
have summons the whole other
the Village Honorary cannot
free himself from Relations or
friends he sentences to be imprisoned

and in reality not judicially, yet the Defendant dare not feel satisfied that such practice has not worked injuriously to them, & therefore the measure would become unpopular.

I have also heard that in the Madras Presidency the punishment is not unpopularly popular.

2. Regulation V of 1816 is intended to legalize village Panchayets and both parties have equal choice in seeking such arbitration. There would be no reason therefore for either party to feel dissatisfied.

Further more it is of importance to remember that the practice is known in the province and even in these days is occasionally resorted to. I am therefore of opinion that the village Panchayets may be encouraged by recognizing their awards if required. I also think that the Village Moonsiffs may be instructed to arbitrate, & to

the

the limit given to them according to the Regulation instead of being made dependent to ascertainable by means of Compulsory Measures.

3. In case the Regulations are Extended it would be advisable to reserve authority to introduce them in particular villages only where intelligent and what is more important respectable head men can be found as by virtue of section 2 above noticed the Patel of every village is Ex-officio Moonsiff. Such careful selection would in addition to tending to punish the measure popular would supply an incentive for other village head men to become intelligent and respectable.

4. We think, I consider that Village Panchayets may be legalised that is to say that Regulation V of 1816 may be introduced into Village Moonsiffs

may only be sentenced 189
imprisonment not to exceed
one year or to pay a fine not to exceed
one hundred dollars, or both such
fine and imprisonment.

Done in Court this 1st day of
May
A.D. 1894

M. Purcell
Circuit Judge

To
Awarding letter
from Mr
B/F
2/12

To/H/3269/021 of 18/12/80

To
The Subordinate Judge
Kolar Dist

To
The District Judge
Kundadroog Dist

Dated 28 Sept 29 November 1879
Rect Dec/79 No 525

The dist judges Cir:
No: 1962 - 1479 dated 19th November 1879

Submits his opinion regarding the investing of the Gaudars of Village Mooniville under Reg: IV cum VII of 1816 on Village officials in this province

No. 1166. Chintamani Munsiff's Court
Dated 1st December 1879.
Rd 5th Dec/1879

To

The District and Sessions Judge
of the Nundydroog Division

Sir

With reference to your Circular No. 1962-1972/130 dated 19th ultimo, I have the honor to state, that in my humble opinion, it appears inexpedient to invest any of the village officials in Mysore, in their present condition, with the powers

of Village Munsiffs, as
exercised in the Madras
Presidency. For, the
corresponding Village official
here, namely, the Potail is
generally illiterate. The
Shanbhogue, or the Karnam
is not to be trusted with
such powers. The Shetty, or
the Village merchant is usually
a great usurer, often the only
money lender in the village,
and is better fitted to act the
part of Plaintiff. While the
remaining village officials are,
by their social position,
unworthy of exercising such
powers.

I think therefore that,
with a view to the gradual
introduction of such a system
into this Province, it would

be well, if a Circular be now issued to all the Potails in each District, calling upon them to pass an Elementary Test, in the Vernacular in Reading, Writing and Arithmetic, before the Dy Commissioner, in the Course of the next two years; and such of them as may then be found qualified, may, with advantage, be invested with the powers of Village Munsiffs -

I have the honor to be
Sir
Your Most Obedt Servt
Varada Raja Ayyangar
M. Munsiff.

1st B.V. Reg: No: 1155.

From.

Theal Unsiff
of Chintamony
No 1166.
D. 1st Dec 79
Rec: 5 — do —

Opinion on the Subject of uniting Village Officials with the powers of Village Munsiffs.

The Assistant Settlement Officer
Tha

D.O. 3249/421 dt 8/12/80

Bangalore Inundiffs' Court
Dated December 1879.

No. 2205 From [illegible] Rd 13th Dec/79/87

The Inundiff No. I Sub Divn
Bangalore District.

To

The District Judge

Nundidroog Division

Sir,

With reference to your Circular No. 1962/130 1972 of the 19th November last giving cover to copy of the Judicial Commissioners' Circular enquiring as to the advisability of investing any Village official with the powers of a Village Inundiff, I have the honor to observe as follows:-

2. The Village Potails here as in Madras are appointed by the Revenue Officers incharge of the District and their offices are considered as hereditary. In the Madras Presidency the system of Village Inundiffs has been in force for more than $\frac{3}{4}$ ths of a century and perhaps the powers were given in con-

-tinuation

-tinuation of somewhat undefined powers which the Potails as heads of Village communities had already been exercising in the days of Native Rulers. No fresh training was therefore wanting on their part and under the circumstances it was not a difficult task for them to give general satisfaction - But our Potails have ceased exercising similar undefined powers many years ago. Most of them are extremely ignorant and illeterate- Any attempt at introducing the System suddenly in this Province on a general scale must therefore produce at least for a Considerable period in the commencement very unfavorable result and dissatisfaction -

3. I would therefore suggest that the system should be introduced in this Province partially as a tentative measure- Only such Potails as know how to write and actually exercise more or less influence in their Villages should be at first invested with the powers as contemplated-

4- At the same time, I cannot but

but admit that the system, if worked well, will be of great advantage to the Villagers. All the petty Civil Cases of Small Cause nature as well as trifling Criminal Cases such as ordinary assaults &c &c will be dealt with by the Potails &c and thus justice will be done quite at my home which is very desirable in such Cases, whereas under the present system, it is attended with great cost and inconvenience. In some Cases the Court Costs become heavier than the amount of debit claimed and the parties have to travel sometimes a distance of 50 or more miles.

I have the honor to be
Sir,
Your most obedient servant

Narayanappa
Munsiff

79 Bo Leg. Eo: 1240

From -

The Municipality of Mangalore

No 2205-

Recd: 13th Dec: 79

Opinion on the subject of investing Village officials with the powers of Village Munsiffs

Bl 3249 of 18/12/80
421

No. 576

From,

Cloorpett, 19th December 1879.

The Moonsiff of
Cloorpett Sub Division,

To,

The District Judge,
Nundidroog Division

Sir:—

In acknowledging receipt of your Circular No. 1962 – 1972 / 130 of 19 ultimo, calling for an opinion as to the practicability and advantage of investing any village officials with the powers of village Moonsiffs exercised in the Madras Presidency, I have the honor to state that, if the system is to be introduced into this Province, the Patails who are

considered that the heads of village
community, should be invested with
the powers of village Moonsiffs; but
it will be seen that in this Province
almost all the Potails are ignorant
and illiterate, an attempt to introduce
the system on a general scale all
on a sudden in this Province,
will not, in my humble opinion,
meet with general satisfaction.
I would therefore suggest that
the system should be introduced
into this Province as a tentative
measure, and only such Potails
as know how to read and write
should be, at first, invested with
the powers as contemplated.
3 Should the Potails be trained
and the system work well, it would

be a great boon in the L of the ppl.
All the petty civil and Criminal
cases will be dealt in by them —
and thus justice will be done to
them cheaply and quickly at home.

I have the honor to be,
Sir: —
your most ob.t servant

Arden Sheriff
Hillsborough

1/80 Reg. No. 1310

From -

The Municipality of Closepet.

No. 56.

Dt. 19 Dec. 179

Recd. 20/22

Opinion on the subject of investing Village Officials with Civil powers.

J/3249 9/18/22/80
421

No 195

From

Solar dated 19th December 1879

The Commissioner No 1 Subdivision Solar District

The District Session Judge Mundydoog Division Bungalow

Sir

In reply to your Civil letter No 1962 dated 19th Instant the undersigned begs to state that under Reg: III and II of 1816 Right to advantage is forfeited to Government

Have the honor to be, Sir Your most obedient Servant

Commissioner

From
The Secretary of
Calcutta
No 195
of December 1879
Read 22 — do —

Submits opinion
on the subject of pro-
-posing Village Officials
with powers similar
to those exercised by
Village Sirdars in
the Madras Presidency

Z H. 3249 07/8/2/80
4/11

No. 195

From

Solan dated 19th December 1879

144 Encl

To Gunsiff No. 1 Subdivision

Solan District

Sir

I am ordered by your Lieutenant dated 19th Instant to inform you that I am directed by Regulation II of 1806 Sir to address you

Sir

Your most obedient

Servant

Gunsiff

enquiry is conducted on the spot where the transactions had taken place.

These and similar advantages will be secured to the parties by the system now proposed to be introduced.

4. But it must be remembered that the success of this scheme very much depends upon the competency and trustworthiness of the persons appointed to wield this power. They must at least be able to read and write, even granting that these qualifications are sufficient for an efficient discharge of their functions.

5. Then the question arises, have we such intelligent Patels in the Province.

6. It must be conceded by all the executive Revenue Officers in the Province who have great opportunities of coming in contact with village Officials, that the Patels as a body in this Province with few rare exceptions are inefficient and illiterate.

7. I have known many Patels

who after getting their appointments have learnt simply to sign their names. Such men when forced to do a work which they are not competent to perform would naturally seek assistance from some irresponsible persons. This of course cannot be permitted - because to vest the office in one person and allow the work to be performed by another and then to hold the former responsible for all the malpractices committed by the latter would defeat the very object of the system.

Even in the Madras Presidency I am personally aware that there are but few Village Munsiffs who perform these judicial functions though all the Munsiffs by virtue of their office possess these powers under the Regulations. It is only in Towns and in important villages, Munsiffs exercise this power. Even there all the suitors do not present their claims before the village Munsiffs from want of confidence. The jurisdiction of the village munsiffs to try suits up to 10 Rs not being an exclusive one but a concurrent

concurrent one with the District Munsiff some suitors prefer to have their suits tried by the latter officer.

9. I am also aware that the Madras Government as will be seen from their repeated Circular Orders to the Collectors is very anxious to encourage their Village Munsiffs to to exercise their civil powers. But practically this desire of Government is not fulfilled owing to the incapacity of the office holders.

10 I may also here mention that after the receipt of the letter under reply I conferred with some of the intelligent Ryots of the Bangalore and Hoscottah Talooks on the subject, to know what they had to say in the matter. Many of them were against their Patels being invested with this power as this would in their opinion prove an engine of oppression in the hands of the Patels. I cannot say that this result will not follow from this measure if all the Patels were

indiscriminately

indiscriminately vested with these
powers.

For these reasons I must say that the general introduction of this Regulation into all villages in the Province would not for the present be advisable.

2. I would therefore propose as an experimental measure, that only such Patels as the Deputy Commissioners by their personal examination as to their competency and respectability could certify as proper men be invested with civil powers under the said Madras Regulations.

13. In introducing the said Regulations the only change I would propose is, that a shorter period of limitation ought to be prescribed for suits to be tried by the Patels, the 12 years limitation laid down in the Madras Regulations being rather too long.

I have the honor to be
Sir
Your most obedient servant.

C Sellivan a Chief

This proved the right of an heir to recover from the Indian Government

Do Rep: No 1306.

From.

Mr Srinivasa Chary
Advocate

Dy. 20 Dec. 1879
Rec: — Do —

Opinion as to the
expediency of investing
Pattails with Civil powers.

1/3749/421 dy 18/12/80

Tarnivikere Sub Division

Munsiff's Court

No: 881 157

Tarnivikere 22d December/79

From

The Munsiff of Tarnivikere Sub Dn

To

The District and Sessions Judge

Nundidroog Division.

Sir

Adverting to your No: 21973/130 dated 19th ultimo forwarding for my information Copy of Judicial Commissioners letter No: 3150/83 of 3d Idem. and Calling upon me for an expression of my opinion as to the advisibility or otherwise of investing village Officials with powers of a village Munsiff based on the system in force in the Madras Presidency I beg to state that the measure

If

if adopted would be productive of
substantial benifit
to the People; but I think it is rather
early to work a scheme of this nature
in this Province. The great mass of
ignorance which prevails among
the rural population offers the
greatest obstacle in the way, until
their moral and intellectual status
is improved and they have ac-
-quired a little more indepen-
-dency the scheme may be sus-
-pended. As far as my experien
ces of village life, since my
appointment as Municipl, I see
that a village official exercising
the greatest influence in a village
is not from any moral trait in
his character, but from the fact
of his being able to scatter horror
and terror among the villagers

I hear that this system which has been introduced in the Madras Presidency is more a success than anything otherwise. The most cogent reason for this is, that there is a vast difference between a Madras Ryot and an unsophisticated villager in this Province. The former would manfully resist the hand of oppression; but whereas the latter would rather lie at the tyrant's feet than attempt to seek redress to any wrong done to him. Honest upright men holding inferior posts in villages are a still a drug in the market and in the interest of the poorest peasant — the heir to toil, I am of opinion that it is rather preeminative to work a scheme of this nature fraught as it is with both good evil

I have the honor to be
Your most obedient Servant.

79: 80 Reg: No: 1362

From -

The Munsiff
of Guruvekeo

No. 881.

Dy. 22nd Dec. 1879
Recd: 25th — do: —
— 5.1.80.

Submits opinion:
as to the advisability
or otherwise of investing
Village officials with
powers of Village Munsiffs

of

7/ 3249 of 19/12/80
421

Mr
with others
Off
24/12

157

No 37 Galakanka Municipality
Bungalow
Dt 22nd December 1879

To Wm. Gibb Esq.

The District and Sessions Judge
Nawalapitiya Division

Sir,

With reference to
your Cir: No 1962-1972/130 dated
19th November 1879 forwarding
for opinion, Copy of the Govt
Comm's No 2765 cir: 75 regarding
the introduction into this
Province of the village
Municipal system, I have
the honor to state that
the proposal in itself is
a very desirable one, and
the

the same, if introduced, will tend to diminish the expense of litigation, and avoid the suitors and witnesses from absenting themselves from their homes for days together in attending the district Munsiff's Court in connection with petty suits. The village Munsiffs can be invested with power to try and dispose of suits for money and other personal property the value of which may be Rs. 10 and under. There have been instances that in such trivial cases the costs incurred

incurred by the parties in coming to the district Municipio courts were nearly double the amount claimed.

2. The next point to be considered is as to whom this function is to be delegated. The rotaries in this country are mostly illeterate and incapable of performing this work. In many of them are merely stools in the hands of their respective Shamboques. There are however, in a few localities, rotaries though not so well educated, possessed of moderate intelligence and common sense. Such men if proved to be trustworthy in the opinion of the deputy Comm^r may

may be abbointed as Munsiffs
for their respective villages
or groups of villages. In the
majority of cases, other
independent men will have
to be selected, and in doing
so, I humbly beg to
suggest that in available
localities, preference may
be given to the pensioned
officials, who were in civil
employ, as well as Khapies
(if found to be capable)
In no case I would recom-
mend the abbointment
of Carnams or Shanboges

3. The Madras regulation
V gives authority to
village Munsiffs to
summon

Section 138

Summon Panchayats to try and determine suits without limitation as to amount or value: But the people in rural circles of this Province are not so very capable of forming their own judgments, and if heavier suits be left in their hands, they will be instruments in the hands of some designing men who may be capable of playing mischief. Consequently I would for the present suggest the amount to be limited to Rs. 10/. Only in cases where the parties expressly wish to convene a

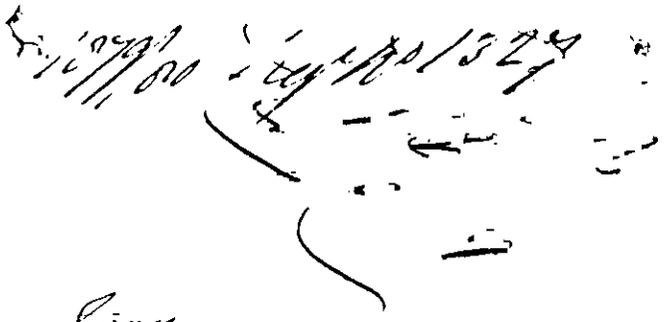
a Panchayat they may be Summoned. The minimum number of such Panchayat may be reduced from 5 to 3.

4. In conclusion they to submit that as I am not personally acquainted with the mode in which this System works in the Madras Presidency I am unable to suggest any modification in the Same.

I have the honor to be
Sir
Your most obed! & humble Servt.

B Ramalingam

Munsiff of
Gudalur



Siam

Ho Commissioner

to Washington

No 37

of 22 December 1879

Rec'd 23 —

Submits to Secretary
on the subject of ad-
-mitting Officials with
powers similar to those
exercised by Consular
Officers in the Siamese
Dom.

A 1879/80 - 3249/421 of 8/2/80

Ster

Dy with other papers
No 89 one never sent
than above

130

Inconsiffs. Court No III
Sub Division
Chebbalapad
9th January 1880

To

The District and Session Judge
Nandidroog

Sir

With reference to your docket No 1962–1972/130 of the 19th November 1879 I have the honor to state that the powers conferred by Regulation 5 of 1816 on Village Inconsiffs in the Madras Presidency can not with safety be extended to the same officials in this Province.

2. I have come in contact with several of these and in my opinion most of them are either illiterate or if they know a little, that little is not enough for exercising the powers properly and understanding their applicability

3 There may be as I think there are some bright exceptions, but these are only few and far between. They are known well to the Revenue authorities and if

the Judicial Commissioner is of any opinion that the introduction of the regulation would be of any service to the community at large, such men can be invested. It was only lately that Patels were invested with Police powers. There are instances in which these have been abused, I am therefore of opinion that the powers under Regulation 5 being extensive and important cannot, as they are, be conferred on them. Some alteration to suit the country and the people may be found necessary, but before their introduction it must be ascertained whether in every village there are men competent to fill the position of a Panchayets I think there are not hardly any such.

I have the honor to be

Sir

Your most obedient

Servant

Mr James Norton

Bronnagh

No. 31

From

The Munsiff of No. I Sub Division
Trinkur District

To

The District and Sessions Judge
Nundidroog Division

Sir

With reference to your circular No 1962-1972/130 dated 19th November and Docketh No 2388-94/156 dated 19th December 79 calling for opinion on the subject of investing village officials with powers of Village Munsiffs I have the honour to submit the following

The Madras Regulation 4 of 1816 authorizes Village Munsiffs to investigate and decide cases the value of which (money or moveable property) does not exceed Rs 10 It also prescribes certain form of procedure to be observed in the investigation. The other regulation 5 of 1816 relates to the constitution powers and procedure of Village Panchayets.

The system itself of constituting such small tribunals with power to dispose of petty cases would be very advanta

advantageous being within easy reach of visitors and free from the expenses and annoyances of our regular visits. The officials, if such could be secured, would generally be the respected inhabitants of Villages possessing intimate knowledge of persons. But the success or otherwise of such a system would to a large extent depend upon the nature of persons available for employment. In this province it must be necessarily the poleb of the village. These for the most part are illiterate. Their intelligence and conceation are very average and many of them are men of doubtful character. Under these circumstances to invest them with civil powers would quarter on the public a most undesirable class of people. But it must at the same time be stated that there are many respectable men in this class who not unfrequently decide cases of even higher pecuniary value and to invest them with civil power

power would be but a recognition on the part of the Government of a practice which is already prevalent. I would therefore recommend that a careful selection be made of some respectable persons in important villages and they may be invested with the powers of village Munsiffs in cases not exceeding Rupees 10 in value. But in order that the change may be gradual the parties may be given the option of resorting to them or to proceed our Courts. The procedure prescribed in the Regulation above named is somewhat complicated and may be simplified with advantage when introduced here. Provision may also made for the supervision of their work by higher officers without much interfering with their independence.

With respect to the constitution of the punchayets I submit that that institution would be more in harmony with the instincts of our people. There are hardly any suits before our Courts in

in which there have not been some
endeavour on the part of Suitors to
adjust their disputes in private arbitration.
But the decisions of these so called pun-
chayets armed with no legal authority
are disregarded by the parties to whom
such may be adverse. I would therefore
recommend the introduction of the System
laid down in the Regulations of 1816. In
this the parties might or might not
choose to refer their dispute to arbitration.
Provision being made for supervision
and the procedure being somewhat
simplified the System might work
very well. It might be expedient to
introduce it in the Bangalore District as
an experiment and watch the result
according to which we might or might
not extend it to the other parts in the
province.

I have the honor to be
Sir
Your Most Obedient Servant
[signature]
Commissr

Ootacamund
the 10th January
1880

Bangalore
19th February 1880

To
The District Session's Judge
Nundidroog Division
Bangalore.

Sir,

I beg to acknowledge the receipt of your letter No. 1979/1165 of the 19th November last and subsequent reminders and to express my regret at the delay which has unavoidably occurred in replying to them.

2. The subject therein referred to, viz the advisability of investing village Potails with limited civil powers is of vast importance, and a practical acquaintance with the working of the system in the Madras Presidency ought to form a desirable element of qualification in any person giving an opinion in the matter, and I very much regret that I do not possess any such knowledge. It may however be presumed from the long continuance of the system of trials in that Presidency that it has proved a success & has answered in practice the framers of Regulations 4 and 5 of 1816.

3. In theory, there can be no doubt that investing village Potails or other headmen,

with the limited powers contemplated, carries numerous advantages. In a purely agricultural Country like India, & especially the Province of Mysore where agriculture is the sole and exclusive occupation of the Villagers, any system which diminishes the expenses of litigation in petty cases, and provides a ready and speedy adjustment of such suits must commend itself highly. There may be an occasional failure of justice resulting from a too summary system of procedure, or from the negligences & ignorance of particular village Moonsiffs; but the general advantages to the Community will in my humble opinion more than outweigh those individual hardships in particular Cases. There cannot be a greater misfortune to a ryot than being dragged away from his field during seasons when his daily and almost hourly attendance is required at his agricultural occupations, and regularly constituted Courts bound to observe all the formalities of technical procedure and mostly intent upon closing Clear & unencumbered files, make no distinctions between agricultural and non agricultural Seasons. The same hardship does not exist in the case of ryots dealing with one another in moderately large sums

of many - Such ryots are generally pretty well to do and usually have farm laborers more or less to attend to agriculture. The village Monsiff system will mostly touch the poor hand-to-mouth ryots who are just the people that require a cheap and speedy machinery for the disposal of their claims. It may be said that village Potails or other headmen are as a body illeterate, and incompetent men: Some of them may be so. The System might in the first instance be partially introduced in such places only where after due enquiry, competent men are found available. This will act as a strong incentive to the Potails or other headmen of less-favored villages duly qualifying themselves. Some degree of intelligence, and moderate Common Sense are all that are required in Carrying out a System of trials that is unhampered by technicalities. It will be seen that Section 21 of Regulation X of 1816 Contemplates the Employment of village Monsiffs who Cannot even sign their names to decrees in which Cases they may affix their marks.

I think the services of the principal inhabitants of the villages in administering justice to their neighbours whom they know and understand well should be utilized as

as largely as possible. By so doing you raise the status of the headmen of the village, and create a bond of sympathy between them & the other villagers which is very desirable.

I therefore advocate the introduction of Sections of Trusts Laid down in the Madras Regulations & and 5 of 1816.

I beg to remain
Sir
your most obedt. Servant.

L. Meenakshya.
Barrister at Law.

120

C. No 4292
105.

Bangalore
20th February 1880

To
The Secretary to Government
Mysore, Kadoor, Bangalore
Tumkur, Kolar, Shimoga
Chitteldroog, Madura.

Sir

I have the honor to forward extract para no 1 and 3 of my Circular No 2765 dated 7.5
4th November 1879, and to state that as the ~~subject~~ proposal to re-establish village offi
cials with the powers of
Village Munsiffs as in
the Madras Presidency
is a very important one,
I shall be glad to have
the benefit of your
opinion on the subject

I have &c

Sd/-
21/2

Recd 5th March 1880
Recd 5th March 1880
Recd 5th March 1880

No. 1818
1315.

Deputy Commissioner's Office
Kolar district
Kolar 27th February 1880

To

The Judicial Commissioner
of Mysore.

Sir,

I have the honor to acknowledge the receipt of your letter no: C 4292/105 of the 21st Instant calling for an expression of my opinion, regarding the village officials being invested with the powers of village Munsiffs, as in the Madras Presidency.

2 I beg to state, that I have had this subject long under consideration, and from the enquiries I have made of the people of Her Majesty's Territories bordering this district, I am led to believe that even there the system does not work in some places so well as to satisfy the village people.

3 In this district, as in other parts of Mysore, the majority of the

the Potels are neither educated nor do they command the respect and influence of the former Potels, to be able to perform individually the responsible functions of a village Munsiff. And they must needs be trained for the work.

4. I would recommend, that a Court of Panchayat be instituted at the Head-Quarters of each Hobli, the members being elected for a term only by the people themselves from among the Potels, and if necessary, others who may be deemed worthy, residing in the Hobli, with powers to try and dispose of petty suits of the nature of small causes within Rupees 20/ arising in that Hobli. I suggest this as an improvement on the Madras system, and it is no innovation to the people of Mysore, as before the establishment of Civil Courts in the Province half a centuary ago, such system had existed in villages, and the people had freely and fearlessly taken advantage of it. Thus the Potels will

will all in a few years receive the
necessary training and the people
will have a better satisfaction in
having justice administered to them
by a body of men than by individuals.

5. I have submitted these views
of mine to the Chief Commissioner
in October 1879.

I have the honor to be
Sir
Your most obedient Servant

B. Krishnaiyar
Deputy Commissioner
Kolar District.

J.P.

H. 29-2-80 –

From
The Dy Commissioner
Kolar District –

To The Judicial Commissioner
Bangalore

Dated 27th Febry/80
Rcvd.
28/2
1818
1315

Submits his opinion –
regarding the village
officials being invested
with the powers of village
Munsiffs.

No 1810

Dy Commissioners Office
Mysore District
Dated Mysore 2nd March 1880.

From,
Lieut. Colonel C. J. Pearse
Deputy Commissioner
Mysore District

To,
The Judicial Commissioner
in Mysore

Sir,

I have the honor, with reference to your No 4292/105 of 20th Ultimo, asking for my opinion on the introduction wholly or in a modified form of the Madras Village Municipal Scheme into the Mysore Province, to forward your extracts from a recent report of mine on the above named Corporate subjects to the Revenue Secretary to Chief Commissioner.

I have the honor to be,
Sir,
Your most obedt Servant,

Deputy Commissioner
Mysore District.

No. 1635.

From Deputy Commissioner's Office
Mysore District,
Dated 23d January 1850.

To

The Revenue Secretary to
Chief Commissioner of Mysore

Sir,

× × × ×

2. The points on which report is called for are:-

1st. The institution of village Munsiffs Courts

2d. Whether the jurisdiction is to be summary and the extent of such summary jurisdiction.

3d. Remission of land tax or postponement in time of bad seasons.

With regards to the institution of village Munsiffs Courts as worked in the Madras Presidency or the institution of village Panchayets, no natives that I have spoken to on the subject is in favor thereof they all consider the country not advanced sufficiently, the Patels too ignorant the Shanbogues already too powerful, and that such a measure would simply make them more so and the Patels less so than at present, they are also unanimously averse to summary jurisdiction and the restriction

of

of appeals.

3. My own opinion is that some measure of this kind is advisable but that a village Munsiff scheme is impracticable.

4. My reasons for these conclusions are that universal indebtedness may be said to be the chronic state of the vast majority of the Mysore Ryots, that the extent of this indebtedness though real or the liability of the ryot as per present Laws and regulations is wholly fictitious as the bonâ fide credit the party or his forefathers ever received from the creditor, while the security of his land such as has been generally subsequently acquired by rajeeby after a knowingly dishonest misrepresentation of facts by creditor to debtor: for instance an original small advance of grain or of a few Rupees repayable in kind from the produce of his lands has by manipulation year by year and false calculations swelled into a heavy indebtedness with the mortgage of the land thrown in as security, while the original debt has been paid over and over again: any measures therefore that require the Court to go behind the bond, to ascertain these facts or that establishes Courts or officers who are themselves more or less cognisant of

the

the transactions of their neighbours throughout and would ensure the production of such evidence as must tend materially to relieve the mass of the ryots of many an unjust encumbrance and hence the institution thereof is most desirable in some form or other and the going behind the bond most advisable in Courts of all grades.

5. The scheme for every village to have its village Munsiff and Panchayet does however in my opinion wholly impracticable, not only for the reasons assigned in para 2 of this letter as advanced by many experienced natives, but also because the Patél is himself very often not freer than the Ryots themselves from the money lenders to whom his ryots are indebted and an adverse decision in any case however petty would be virtually signing his own death warrant as he would be put into Court and sold up irreparably out of revenge by the village money Lender. This remark applies equally to the leading respectable men of the village: the Panchayet system would, I have little doubt, not be beneficially by the Ryot debtor if personally free and independent Panchayetdars

Conclds

could be obtained to adjudicate; but village war this appears to me impossible and hence the relief sought to be given of a just settlement of the claim would seldom result.

6. It however appears to me that a tentative scheme might be introduced in the system proposed by an amalgamation of several villages, say a Court per Taluka or where small per 2 or 3 Talukas. Among the advantages of thus giving effect to the scheme it appears to me are the following:-

1 a Costless Court is brought almost to the villagers door.

2. It is composed of the same class of men as the village scheme provides for.

3. It enables a larger selection and therefore ensures more competence and efficiency, while it should ensure more justice as there must be more independence and freedom from the village money lenders whose area of operations is generally more or less circumscribed.

7. The composition of these Courts should be a Panchayat Court of 3 Patels of which the Patel of the village to which the debtor belonged would be the President the other two members. All should sign

the

the Proceedings and if any of them are
competent they should be their own writers
if non-competent, then they should select
their own recorder as generally the Shan-
bogue of the Village would be a witness
on one side or other, it would be advis-
visable for Government to appoint him
officially to the duty and thus increase
his power in the village which is already
remarked is too great as compared with
that of the Patél at present.

8. The record should be simple, but the
statements as made by each witness to the Court
they should be bound to record with the
individual opinion of each Panchayetdar
which the decree should be in accordance
with that of the majority.

9. It would only be necessary for
the Deputy Commissioner to fix days
for the sittings of the Courts in the various
villages or one day a week might be
fixed as the fixed Court day in the
several villages in rotation when all Patels
would attend and resolve themselves
into several Committees as above.

10. The remuneration to Patéls
should

should be uniformly 2 Rupees a day on which they sat or tried one or more cases while the claiming party should pay one anna in the Rupee to the Court on preferring his claim; if he gained it the deposit should at once be refunded to him and recovered from the losing party in proportion to the decreed amount: at the close of the day each Panchayet would send in its Patty to the Talook with the cash which would be the difference between their fee retained and the total costs recovered on all cases tried. In Magisterial cases there should be no costs.

11. The jurisdiction to be given them might be

1. Suits for recovery of debts up to 20.
2. All village caste and social dispute cases.
3. All cases of encroachment on neighbours lands, house sites, manure pits &c.
4. All cases of interference by self appropriation with Village Gomal, Topes rights of way &c.
5. All simple cattle Trespass or mischief to crops cases, assessed loss not exceeding 20 Rupees.
6. All cases of petty thefts of property not exceeding 5 Rupees in value.

of all cases of assaults, abuses or
hurt.

12. In Criminal cases they should have
power to fine up to 15 and to imprisonment
up to 7 days. In every case of imprisonment
awarded in excess of 2 days the Prisoner
should be sent to the Taluk Lockup on
the date of sentence, in other cases to be
confined in the village Choultry the Patel
being answerable the sentence is carried
out or fine recovered.

13. It should be optional when both
parties are village Ryots to sue or complain
to the "Tirka Court" or in the regular established
Courts of competent jurisdiction, but
if they elect the Tirka Court they should
be debarred from appeal (the proceedings
being summary) but open to revision by
Deputy Commissioner, but suits by village
money lenders, whether he be the village
Shopkeeper, Ryot, Goldsmith or other the
Tirka Court alone to have jurisdiction
and should the money lender swell the
claim so as to oust the village jurisdiction
to be determined by the amount of decree
the decree to be transferred for execution

to

to the Taluk and struck off the file of the Civil Court.

14. Some scheme for village Panchayet Police Courts on the lines I have sketched out with advantage to poor embarrassed Ryots might deserve to be elaborated but wholly villagers with the Patel as a single arbitrator I fear would not be successful.

× × × ×

× × × × ×

× × × × ×

× × × × ×

× × × × ×

× × × ×

I have &c

[Signed] C. J. Pearse

Dy Commissioner

Nizpore District.

"Extract"

Dy: Commissioner

Nizpore District

163

Deputy Commissioner's Office
Shimoga District.

No. 1483.

Shimoga, 5th March 1880.
Dep. 6th d

To.

The Judicial Commissioner
of Mysore.

Sir,

In reply to your circular No. 4292/105. dated 2nd ultimo, on the subject of conferring on village officials the powers of village Munsiffs, I have the honor to state that as a rule the Patels of this District are very deficient in the necessary qualifications and a very large proportion of them are illiterate. It is true that here and there Shanbhogs and Patels of exceptional intelligence and influence may safely be invested, but in my opinion the country is not yet ripe for such a general measure.

2. The village Police has not yet been organized, and in the Malnad Talúcks, there are no Talvárs and Totis, without whom the Patels are simply powerless in the performance of the duties appertaining to their office.

3. It appears to me therefore necessary

and advisable to organize the village establishments first, and then to introduce the village Munsiffs' scheme gradually and tentatively by investing only such of the more prominent Patels and Shanbhógs as are duly qualified with the prescribed powers. By this time, it is to be hoped that a large number of the present effete and illiterate Headmen will have died out, or given place to more qualified successors, when the general introduction of the measure could be more beneficially advocated.

4 As the office of Headman is hereditary, it may be expedient to require the present incumbents to educate their would-be successors, on pain of the selection being diverted to the most qualified member of the family, irrespective of the existence of nearer heirs.

I have the honor to be
Sir
Your most obedient Servant.

W. Nassaumuzoon,
Deputy Commissioner
Shiva ofa 30 Mil

P. No. 606.

10 - 77

Salem District
Deputy Commissioner's Office
Camp Hirisave 6th March/80.

To,

The Hon'ble Commissioner
of Ally Sore.

Sir,

I have the honor to acknowledge the receipt of your letter No: 4292/105 of the 20th Ultimo, on the subject of investing village officials with the powers of Village Munsiffs, as in the Madras Presidency.

2—. The question is one of much importance, viewed both in its relation to the wants of the people, and the qualifications of the parties to be entrusted with civil powers.

3—. It cannot be doubted that since civil jurisdiction has been withdrawn from Amildars, and since all Munsiffs no longer go on circuit

people, especially petty Sheep-keepers in towns, are subjected to much inconvenience, in consequence of having to attend long distances for the prosecution of suits. Villagers are also obliged to attend the Munsiffs Courts at a distance, but mostly as defendants or witnesses. The adoption of measures to lessen the grievance is obviously needed, and it has to be considered whether the investment of Munsiffs of outlying Talukhs with Small Cause Court powers as far as Rs. 20 would not suffice for the present, should it be found not feasible to allow of Munsiffs to proceed again on Circuit.

4. The general introduction of such a measure as the Village Munsiff Petition requires, I submit, the gravest consideration, in a Country which has hitherto been regarded as a Non-Regulation Province, and consequently has

been exempt from such legal
procedure. The Madras Regulations
IV and V of 1816 are a little code
in themselves, and require much
modification before they are suited
for the simple intellects of villagers.
The prominent part, which the
Shanbaguc (Karnum) is to take in
the proceedings as Officer of the Court,
is an objectionable feature; for the
villagers regard him as the per-
sonification of all that is evil, and
the Potail would be a mere child
in his hands. The country would
moreover for some time to come
be flooded with litigation, which
the Shanbagues would promote, and
of which they would not fail to take
undue advantage for their own il-
legitimate purposes. It would
therefore, I conceive, be most un-
desirable to put these Regulations
in force throughout the Province.

5-. Only a very few of the Potels are by education qualified to exercise such powers, and should they be vested with them, the interference of the Rau bagne (Karnum) in any form should be guarded against, as being most inexpedient. Only men of proved good character should be selected, as many of the Village Munsiffs in the Madras Presidency have a bad reputation. It would, in my opinion, be better first to watch the result of investing heads of villages with Magisterial powers in petty cases, the exercise of which has been deferred till the Potels are selected and receive better remuneration.

6-. In the Manjanad and Beluir Taluks, where the people are in better circumstances and more independent, there is a class of Potels known as Mokkear, and

and Maudé, nearly all of who
are able to read and write and
have defined revenue jurisdiction
over groups of villages. A few of
these men who have had experience
as arbitrators in family disputes,
are well qualified to exercise the
power of Village Munsiffs, and they
might thereafter be vested with
them experimentally. The same system
might gradually be extended, by
appointing Maudé Patils in other
parts of the Country such as in the
Chaurad Talukas, where the people
are wealthier and more enlightened,
and giving them jurisdiction over
groups of villages (Chowkas) and
similar praise of remuneration,
equal to double what they receive
for the discharge of Revenue and
Police duties.—

7.— Under any circumstances
I am of opinion that consideration

the present illiterate condition of Patels the most of the Talukhs and the crass ignorance of the mass of the rural population, the adoption of the measure now proposed requires to be deferred: or if introduced at all, to be introduced most tentatively. That the Madras Regulations require to be re-cast, so as to make them less complex and more easily intelligible; and lastly that the investment of Millions of our flying Talukhs with small Cause Powers beyond suffice to meet present requirements, should it still be held to be undesirable for Assistants to go again on Circuit.

I have the honor to be,
Sir,
Your Most Obedt Servant

J. Mill

Commissioner
Deccan District

No 439 - Enc: 4

Chittagong District
Deputy Commissioner's Office
Camp Fagaloo 6th March 1880.

From.

To,

The Deputy Commissioner
Chittagong District.

Sir,

The Judicial Commissioner
of Ruppore -

With reference to your circular No: 4292/105 dated 21st February 1880. Calling for my opinion on the subject of investing Village Officials with the powers of Village Munsiffs, I have the honor to state that on a reference by the Secretary to the Chief Commissioner Revenue Department in October last, I had to submit my opinion on this, as well as other points - the letter which I addressed to the Secretary in answer to the reference, contains, in paras 5, 6, 7, 8, and 9, an expression of all my views on this subject, and I have nothing more to add to them - I beg therefore to be allowed to submit herewith an Extract from the above letter, so far as it relates to the subject under reference -

I have the honor to be
Sir,
Your most Obedient Servt
[signature]
Deputy Commissioner

Ref Board's Proc Letter No 323 dated 24th December 1879 to the address of the Secretary to the Govt of Madras Commissioner Revenue Department.

× × × ×

5. Attention has been called by the Government of India, to an article published in the Akhbari Aam Punjab advocating the revival of Panchayet system, and referring with perhaps of satisfaction to the working of the law in Madras under which, courts of Village Munsiffs, and Panchayets have been constituted. In Madras every Village headman is a Munsiff and Magistrate, but I doubt if it would be an unmixed good to give such powers to all the Patels in this Province, indiscriminately.

6. The majority of our Patels have not risen higher than the ryots, amidst whom they live, and are like the ryots, "utterly uneducated, and with a narrow range of intelligence". The Madras Regulations IV of 1816 which contain the law on the subject presuppose the ignorance, and ~~illiteracy~~ illiteracy

illeberalities of Village headmen, and
provide for and bring pressure to them
by Europeans, not only decisive
but also in the shape of advice.
Most of the Patels are incapable of
acting independently, and the influence
which the Adambakkam exercise over
them, is so apparent, that it is easy
to understand that they will only be
subservient to the Adambakkam. Except
in some cases where force of character
may be evinced, the Patels will be
puppets, only in name the real authority
being exercised by the Adambakkam
whose influence for good is generally
considered doubtful.

7. It will no doubt be asked
why, if the measure has worked satisfactorily in Madras, it should not
do so here. Were the Madras Patels
of 1816 a better class of men than our
Patels of the present day? I will
not say that they were, but I affirm
that the state of things which
I foresee must have followed the
enactments of the Regulations referred
to, and still exists there to some
extent, though in the course of years

the Village head-men may become gradually awakened to a sense of their own importance.

8. — For the above reasons, I am of opinion that all the Patels should not be made Village Moonsiffs & Magistrates, indiscriminately. I am inclined to accept with some modifications the suggestion of the writer of the article in the Akhbari Aryja-mani Punjab who says that "in every large Village or town, a Panchayat "should be established consisting of two three five "or more respectable and influential "persons of the Village or town. When there "are three or four small Villages at a "short distance from one another, a "Panchayat should be established in "one of those Villages, and its jurisdiction "should extend over all of them." Following this suggestion and the system of Village Moonsiffs & Panchayats in Madras, I would beg to propose the establishment of a Moonsiff and Panchayat court in the range of each Talooka, where it is large enough, and where it is small in the range of two or more joined together for the purpose. There are from one to seven, or an average number of three Villages, and as many Patels in the

the range of Chambhaje. In some Villages there are two Patels, the Revenue & Police, & taking this as well as the combining of two or more ranges where no is small into account, we get on an average about six Patels to select a monniff from. I trust that among that number one intelligent and respectable man may be found who can read and write, & who is capable of acting independently of the Chambhaje, and he may be admitted as Monniff for the range. It should be open to the Patel Monniff to choose the required number of Punchayatdars from among the respectable men of the range including the other Patels, of whom lists may be formed with the aid of Circle Cards, & duly published. Powers may be given to the Patel Monniff and the Punchayat similar to those mentioned in the Bombay Regulations, care being taken that the Chambhaj is kept out of their way. Successors to the office of Patel Monniff should be selected from among the Patels in the range. This office should never be hereditary as the Patelki is. The Patel holding the

-the office of Peonage should be
liable to removal from that office
for proved incapacity, misconduct
or unpopularity.

Q. I may mention here that the
Village Police Rules passed into law in
1872 provide for Patels being com-
-missioned under the orders of the
Judicial Commissioner to try certain
Offences, and so far as I am aware,
in no instance has this provision
of the law been availed of, but it
may be availed when Patels of suitable
& respectability are selected for the
office of Village Peonage.

Signed A Abdulkhader
Deputy Commissioner

"True Extract"

Abdulkhader
Deputy Commissioner

C.V.N.

177

No 1303.

By Commissioner's Office
Bangalore District
Bangalore 11th March
1880

From L. Rickets Esquire
By: Commissioner
Bangalore District

To
J. D. Sandford Esquire
Judicial Commissioner
of Mysore.

Sir,

With reference to your
Circular No 4292 of the 21st Ult.
105
-timo, desiring my opinion on
the subject of investing Potails
or any other village officials with
the powers of village Immunities,
I have the honor to state that the
office of Potail is comparatively of
recent growth in this District, and
that

that most of the Potails are il-
-literate men, and have to be help-
-ed in the discharge of their du-
-ties by the Curumms or Shanbogues
of their respective villages. Whilst
in this state of ignorance, it
may be naturally supposed that
Potails are wanting in the
knowledge and judgment which
are as necessary for the satisfac-
-tory adjudication of claims of a
trifling nature as for those of
larger amount. It is true that
here and there a Potail of ripe age
and experience might be found quali-
-fied, but such instances would be rare,
and the Village of such Potail might
be very small, and in the event
of

of his death his heir would
most probably be found unfit.
The Shambogue or Cummie would
be more fitted for the post of
Village Munsiff so far as intel-
ligence is concerned, but this
class of village official is not
as a rule in the confidence of the
villagers, and to invest them
with petty civil powers would
in my opinion be distasteful to
the people and prejudicial to local
interests, as also those of a higher
nature

2. In many cases have combined to
render our village officials the
inferior set they at present are.
The Brahmin Shanbogue by dint
of

of his superior intelligence has
carried it over the ignorant
ryots, and the old village
system and mode of keeping
accounts, added to the late taxes
system, in addition to an extreme
ly low rate of remuneration,
have tended to demoralize him
to a very serious degree. Many
of these direct temptations to fraud
have now been done away
with, and with the progress of
the Survey and settlement, he gets
a proper remuneration, and there
in time the village Shanbogue will
rise in respectability and influence,
but such time is still a thing
of the uncertain future. The

The station of the village Shanbogue
has not been improved either
by the custom until of comparatively recent date of there being
usually several co-sharers who
took service by turns, and were
in consequence, still more often
to Umpalum.

3. As before observed, the office
of Potail is of comparatively re-
-cent origin, and hitherto it has
been an unpaid appointment, so
the best men do not always fill
the post, whilst others have resigned
finding there is much to do, the
neglect of which entails punishment
whilst there is no corresponding reward

or

or remuneration; such being the
case it is hardly to be supposed
that the present Retail class have
laid themselves out to become
fit by education &c for their
appointments. With the advent of
the Europe and Settlement, No.
- tails get remunerated, and then
the fruit will be coveted, and suitable
incumbents spring up, and there
men will look more after the
education of their children, and
the children of such children
may be fitted for civil
powers but not before.

The powers and responsibilities
of Retails and Shambogues
are

are not at present as well defined as they might be. They have duties admitting of control and interference by both police and revenue officials of petty grades; and if such village officials were entrusted with civil powers, said petty officials would begin to intrigue and work advantageously influence in the matter.

4. Natives of all classes are very litigious, and with little or no education, villagers are as a rule unduly suspicious, and so ready to impute unworthy causes, or believe in the suggestion of others. To give special power to one, at present

present or about the same
level as his fellows, would be I think
to produce much discord and
dissatisfaction - some going to the
length at times of forming
petty party factions.

5. To resort to a voluntary
Court like the village Punchayet
is a different thing. It is a
Court of the litigants' own
choosing and formed of the
greybeards of the community;
and if such Punchayet be
not acceptable, then the parties
have the present existing Courts
to resort to, and which in my
humble judgment, are quite sufficient for the reasonable
disputes

disputes and controversies
of the District for many
years to come.

I have the honor to be
Sir,
Your most obdt Servt

S. Mitchell

Dep: Commissioner

No 1640.

From
Kadur District
Deputy Commr's Office

Dated Kadur the 15th March 1880

To

The Judicial Commissioner
in Mysore
Bangalore

Sir

I beg to submit the opinion called for in your No 4292/105 dated 20th ultimo regarding the Establishment of Courts of Village Munsiffs in this Province as in the Madras Presidency.

2. I am decidedly of opinion that the measure contemplated will be highly beneficial to the agricultural classes. And I am glad to say that so far as what I have seen and heard of this district goes, competent men may to some extent be found among the Patails, to whom the important powers of Village Munsiffs could be entrusted. But the selection need not, I think, be confined to Patails only, but may be extended to other respectable inhabitants in the Country.

3. I would entrust the duty of selection only to the Deputy Commissioners. In fact the system should be as regards its internal management and details, fully such an important part of the general administration

of this district by a deputy Commr: that he should be made to feel a genuine interest in it by making the credit of its success & the discredit of its failure entirely his.

4. I tried for the last two weeks to get a look at the Madras Regulations, but they are not to be had here. But as to the main features of the system, I think as follows.

5. As in Madras the ordinary powers of a Village Munsiff should be confined only to suits of personal property up to 10 Rupees.

6. If the parties consent before the Amildar of the Taluk & if the Consent is evidenced by a writing duly entered into before him and attested by his signature and the signature & not mark, of another respectable person, the Village Munsiffs may try & determine similar suits up to 100 Rs in the Character of an arbitrator.

7. I would not however just now give the Village Munsiffs the power of summoning Village Punchayets to decide suits for personal property without limitation as to value.

8. But as in Madras under Regulation

lation XII of 1816, the Dy Commissioners
may be authorized to summon punchay-
=ets through the villages & muniffs for
the settlement of disputes respecting
the occupying, cultivating & irrigating
of land between landlords & tenants and
others, and of claims to crops and lands
and cases of disputed boundary.

9. I consider that in other respects
the Madras procedure may be adhered
to without difficulty.

I have the honor to be
Sir
Your most obedt servt

L. Chamberlain
Dy Commissioner
Kadiri

Tumkur District. 249

Judl. No 4. Deputy Commissioner's Office

Tumkur, 8th April 1880.

To

The Judicial Commissioner
of Mysore.

Sir,

Adverting to your letter No 4292/105 dated 20th February last I have the honor to report that the system of Village Mooneiffs and Village Panchayets which is in force in the Madras Presidency under Regulations IV and V of 1816 has been admitted on all hands to give satisfaction and it is one which is capable of ready application to most parts of India.

2. Owing to long neglect there are among the Village Potails of this Province a large number of persons who are very incompetent and ignorant, and for this reason it is not desirable immediately to introduce into this Province the Madras system in its entirety.

entirety. But it is quite easy to make a beginning by selecting the really qualified Potails wherever they are found, and by investing them with petty jurisdiction in Civil causes. I think that in each Taluk there may be found at least a dozen such men and when their merit is recognized by Government and they are given petty Civil jurisdiction over their respective Villages (as well as the petty Criminal jurisdiction defined in 24 and 25 of the Village Police Rules), we may hope in the course of a few years to find more Potails qualified for such trust, and thus gradually a proper system can be extended to the whole Province.

3. In order to avoid the risk of failure inherent in too sudden a change, I would not in the first instance invest the Potails selected with all the powers of the Madras Village

Village Incouciff; but would begin by adopting a modified system Embodying in one Regulation the duties of Village Potails and Village Punchayets. The outline of the modified system may be somewhat as follows.

I. Village Potails to receive plaints in all Civil suits below Rupees 10- except suits for damages for personal injuries. Plaints to be written on plain paper and the cause of action should have arisen within the last 12 years.

II When a plaint is received the Defendant must be orally summoned by the proper Village servant.

III If defendant fails to appear after due notice the Potail must decide the suit exparte.

IV. If defendant appears the Potail must try to effect an amicable settlement and register any such settlement which may

may be made 2/2/ If defendant admits claim in full the Potail must decide accordingly. If defendant admits the claim in part and the Plaintiff agrees to accept a decree for such part and to forego the rest of the claim, the decision must be passed accordingly. In the de-cree the Potail must allow rea-sonable time for the execution of the decree.

1. If decree remains unsatisfied at the end of the time fixed therein, or where no time has been fixed, at the end of a month from the day on which copies of the decree were delivered or tendered to the Parties, the Potail must on Plaintiffs written ap-plication attach and sell de-fendants property subject to Rules laid down in Section XXV of Regulation V.

VI. If the parties unable to agree the Potail should refer them to the regular Courts, and give the plaintiff if he desires it a certificate to that effect.

VII. Whenever any persons are desirous of having a Village Punchayat convened for the settlement of any claims which one person may have against another and they express their desire to the Potail, he shall convene such a Punchayet and refer the matter for their disposal with the written agreement of the parties to abide by the decision of such Punchayet. The rules in Regulation VI scarcely require any modification.

4. Such a system though leaving very little in the hands of the Potail, would certainly tend to make him more respected and would greatly increase his influence and ability to effect an amicable

settlement

settlement of existing differences be-
tween his Neighbours — As a large number
of suits are decided ex parte or —
upon admission it may reasonably
be expected that the system pro-
posed would have a large field
for its operation. It would greatly
reduce the expenses of petty litiga-
tion and it would save the
parties the inconvenience of a
long absence from their homes.

I have the honor to be
Sir,
Your most Obed. Servt.

K Richard Jr
Deputy Commissioner

RCR

No 850
80.

Bangalore 215
22nd July 1880

To the Secretary to the
Chief Commissioner
of Mysore
Revenue Department

Sir,

In continuation of my letter No X 2681 / 314 of the 21st October last, para 6, I have the honor to state that I am prepared to recommend as a tentative measure that the Government should take powers to appoint selected Heads men of Villages to exercise Jurisdiction as Village Munsiffs on the following general principles.

(1) The Potails should be selected from, and exercise jurisdiction in, a group of villages and should form a Court of not less than 3 Judges.

(2) The centre of the selected group of villages should be situated at least 10 miles from the Regular Munsiffs Court

(3) The groups of villages and Potails to be determined by the Deputy Commissioner in —

communication with the district Judge - Subject to approval of Judicial Commissioner and Local Government.

(4) The Jurisdiction not to exceed Rs 10 and to be carefully confined to Suits for money due or for moveable property and for damages for injury to person and property — the Jurisdiction to cease as soon as it appears that any question of title to immoveable property is involved.

(5) The decree to be final, but a new trial before a regular Court may be ordered by the District Judge on proof of corruption, manifest partiality or excess of Jurisdiction.

(6) The Jurisdiction not to be compulsory, but optional with the Plaintiff - and with consent of both parties to extend to Rs 50 -

2. If the Chief Commissioner is disposed to approve of these principles I would draw up Rules

for carrying them out—
and I think that if
competent Police can
be found, the measure is
likely to be productive of
good results in saving
villagers from the vexation
of litigation at a distant
Court and in improving
the position and stability
of village Headmen

3 These proposals
are recommended generally
on the opinions which I
have received from the dif-
ferent officers consulted
~~on this subject but have~~
~~not formulated in detail~~

whose letters will
be forwarded for perusal
if required.

Yours &c—

WJ 23/4